The Journal OF THE House of Representatives

Number 37 **Friday, April 23, 2010**

The House was called to order by the Speaker at 9:30 a.m.

Prayer

The following prayer was offered by Pastor Mario Villella of Good News Church of Central Florida of Leesburg, upon invitation of Rep. O'Toole:

Dear Father, we thank You for ordaining the institution of government. We thank You for establishing the authorities that exist as Your servants to do good, to restrain evil, and to secure our rights and our freedoms. We honor You as our only true sovereign. You have made all things and You rule over everything that You have made, and yet, somehow, You give us the privilege of being a very real part of what You're doing on this earth, in this country, and particularly, in this state. We thank You for that.

This morning, we come before You and we ask for Your guidance. We ask that You would bring clarity as to what is right, as to what ought to be done. And we also ask for courage. Sometimes we know what's right, but knowing what is right and doing what is right are two different things. And so we ask that You would please grant these lawmakers bravery—I ask that You would grant them bravery, even in the midst of great pressure. Give them the courage to do what You've called them to do.

I ask that You would direct the affairs of this state and its people in a way that calls attention to Your gospel, that gives glory to Your name, and that brings about freedom and justice for all. I pray this in the name of Your son, Jesus, who was given for us, and upon whose shoulders the government rests. Amen.

The following members were recorded present:

Session Vote Sequence: 898

Speaker Cretul in the Chair.

Abruzzo	Chestnut	Frishe	Hudson
Adams	Clarke-Reed	Gaetz	Hukill
Anderson	Coley	Galvano	Jenne
Aubuchon	Cretul	Garcia	Jones
Bembry	Crisafulli	Gibbons	Kelly
Bernard	Cruz	Glorioso	Kiar
Bogdanoff	Domino	Gonzalez	Kriseman
Bovo	Dorworth	Grady	Legg
Boyd	Drake	Grimsley	Llorente
Brandenburg	Eisnaugle	Hasner	Long
Braynon	Evers	Hays	Lopez-Cantera
Brisé	Fetterman	Heller	Mayfield
Burgin	Fitzgerald	Holder	McBurney
Bush	Flores	Homan	McKeel
Cannon	Ford	Hooper	Murzin
Carroll	Fresen	Horner	Nehr
Nelson	Randolph	Saunders	Thurston
O'Toole	Ray	Schenck	Tobia
Pafford	Reagan	Schultz	Van Zant
Patronis	Reed	Schwartz	Waldman
Patterson	Rehwinkel Vasilinda	Skidmore	Weatherford
Plakon	Rivera	Snyder	Weinstein
Planas	Robaina	Soto	Williams, T.
Poppell	Roberson, K.	Stargel	Wood
Porth	Rogers	Steinberg	Workman
Precourt	Rouson	Taylor	Zapata
Proctor	Sachs	Thompson, G.	
Rader	Sands	Thompson, N.	

(A list of excused members appears at the end of the *Journal.*)

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: Amber Mariano of Bayonet Point at the invitation of Rep. Weatherford; Danielle Metzger of New Port Richey at the invitation of Rep. Legg; Pavlina Osta of Port Orange at the invitation of Rep. Taylor; Graziella Pastor of Palmetto Bay at the invitation of Rep. Y. Roberson; Nicholas Rocha of Palmetto Bay at the invitation of Rep. Flores; Steve Spence, Jr. of Marianna at the invitation of Rep. Coley; Hailey Webster of Daytona Beach at the invitation of Rep. Hukill; and McKenna Williams of Fernandina Beach at the invitation of Rep. Adkins.

House Physician

The Speaker introduced Dr. Robert Brooks of Tampa, who served in the Clinic today upon invitation of Rep. Cannon.

Correction of the *Journal*

The *Journal* of April 22 was corrected and approved as follows: On page 868, column 1, line 4 from the top, delete "passed and was immediately certified to the Senate" and insert "passed, as amended, and was immediately certified to the Senate" in lieu thereof.

Reports of Standing Councils and Committees

Reports of the Rules & Calendar Council

The Honorable Larry Cretul April 21, 2010
Speaker, House of Representatives

Dear Mr. Speaker:

Your Rules & Calendar Council herewith submits the Special Order for Friday, April 23, 2010. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bills:

CS/CS/HB 1565 - Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee, & others
Rulemaking

HB 7227 - Select Policy Council on Strategic & Economic Planning, Carroll
Legislature

HJR 7231 - Select Policy Council on Strategic & Economic Planning, Hukill
Standards for Establishing Legislative and Congressional District Boundaries

HB 609 - O'Toole
Motor Vehicle Registration Application Forms

CS/HB 1157 - Economic Development & Community Affairs Policy Council, Eisnaugle, & others
Local Government Prompt Payment Act

HB 1193 - Plakon, Adkins, & others
Retirement

HB 7125 - Finance & Tax Council, Fresen
Criminal Penalties for Violations of Tax Statutes

CS/CS/HB 557 - Finance & Tax Council, Insurance, Business & Financial Affairs Policy Committee, & others
Tangible Personal Property Tax Transparency

CS/HB 7157 - Government Operations Appropriations Committee, Finance & Tax Council, & others
Taxation

HB 579 - Holder, Chestnut
Admissions Tax

HB 1279 - Rivera
Assessment of Property for Back Ad Valorem Taxes

CS/HB 7203 - Economic Development & Community Affairs Policy Council, Finance & Tax Council, & others
Community Development Districts

CS/HB 7215 - Economic Development & Community Affairs Policy Council, Finance & Tax Council, & others
Property Taxation

CS/HB 7179 - Finance & Tax Council, Energy & Utilities Policy Committee, & others
Qualifying Improvements to Real Property

HB 281 - Schultz, McBurney
Communications Services Taxes

CS/CS/HB 1241 - Finance & Tax Council, Economic Development Policy Committee, & others
Tax on Sales, Use, and Other Transactions

CS/CS/HB 163 - Finance & Tax Council, Energy & Utilities Policy Committee, & others
Prepaid Wireless Telecommunications Service

CS/CS/HB 927 - Military & Local Affairs Policy Committee, Civil Justice & Courts Policy Committee, & others
Homestead Assessments

CS/CS/CS/CS/HB 663 - Full Appropriations Council on Education Economic Development, General Government Policy Council, & others
Building Safety

II. Consideration of the following bills:

CS/CS/HB 219 - Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee, & others
Immigration

CS/CS/HB 513 - Criminal & Civil Justice Policy Council, Civil Justice & Courts Policy Committee, & others
Mobile Home Park Tenancies

CS/HB 751 - Insurance, Business & Financial Affairs Policy Committee, McBurney
Automatic Renewal of Service Contracts

CS/CS/HB 435 - General Government Policy Council, Agriculture & Natural Resources Policy Committee, & others
Marketable Record Title

CS/CS/HB 1277 - Policy Council, Insurance, Business & Financial Affairs Policy Committee, & others
Sellers of Travel

CS/HB 527 - Insurance, Business & Financial Affairs Policy Committee, Roberson, K., & others
Florida Funeral, Cemetery, and Consumer Services Act

HB 1401 - Rivera
Export of Goods, Commodities, & Things of Value to Foreign Countries

HB 7233 - General Government Policy Council, Patterson, & others
Consumer Debt Collection

HB 7241 - Economic Development & Community Affairs Policy Council, Murzin
Employee Leasing Companies

CS/HB 843 - Finance & Tax Council, Boyd, & others
Rural Enterprise Zones

III. Consideration of the following bills:

CS/HB 691 - Energy & Utilities Policy Committee, Murzin, & others
Underground Facility Damage Prevention and Safety

CS/HB 7229 - Full Appropriations Council on Education & Economic Development, Energy & Utilities Policy Committee, & others
Economic Incentives for Energy Initiatives

HB 1065 - Precourt, Chestnut
Biodiesel Fuel

CS/HB 1109 - Military & Local Affairs Policy Committee, Williams, T.
Water Supply

CS/HB 7177 - General Government Policy Council, Agriculture & Natural Resources Policy Committee, & others
Water Resources

CS/CS/HB 1385 - General Government Policy Council, Natural Resources Appropriations Committee, & others
Petroleum Contamination Site Cleanup

CS/CS/CS/HB 617 - General Government Policy Council, Natural

Resources Appropriations Committee, & others
Mining and Extraction Activities

HB 7243 - General Government Policy Council, Williams, T., & others
Environmental Control

CS/CS/HB 7209 - General Government Policy Council, Full Appropriations Council on Education & Economic Development, & others
Reorganization of the Public Service Commission

CS/SB 1034 - Rules, Fasano, & others
Public Service Commission [EPSC]

IV. Consideration of the following bills:

CS/CS/HB 623 - PreK-12 Appropriations Committee, PreK-12 Policy Committee, & others
Instructional Materials for K-12 Public Education

CS/CS/CS/HB 1569 - Education Policy Council, PreK-12 Appropriations Committee, & others
Charter Schools

CS/HB 1619 - PreK-12 Policy Committee, Bush, & others
School Food Service Programs

CS/CS/HB 1061 - PreK-12 Appropriations Committee, PreK-12 Policy Committee, & others
Suicide Prevention

V. Consideration of the following bills:

CS/CS/HB 709 - General Government Policy Council, Natural Resources Appropriations Committee, & others
Wildlife Regulation

CS/CS/CS/HB 981 - General Government Policy Council, Natural Resources Appropriations Committee, & others
Agriculture

CS/HB 7103 - General Government Policy Council, Agriculture & Natural Resources Policy Committee, & others
Agriculture

CS/HB 1001 - Policy Council, Coley
State Park Designations

CS/CS/CS/HB 1445 - General Government Policy Council, Natural Resources Appropriations Committee, & others
Agriculture

VI. Consideration of the following bills:

CS/CS/HB 1073 - Full Appropriations Council on Education & Economic Development, PreK-12 Policy Committee, & others
Persons with Disabilities

HB 7235 - Rules & Calendar Council, Galvano
Compulsory Health Insurance Coverage

CS/HB 907 - Civil Justice & Courts Policy Committee, Flores
Child Support Guidelines

CS/HB 7083 - Health & Family Services Policy Council, Health Care Services Policy Committee, & others
Child Support Enforcement

CS/CS/HB 225 - Health Care Appropriations Committee, Health Care Regulation Policy Committee, & others
Controlled Substances

HB 7239 - Health Care Appropriations Committee, Grimsley
Pub. Rec./Statements of Reference/Board of Pharmacy

CS/CS/HB 1503 - Health & Family Services Policy Council, Health Care Regulation Policy Committee, & others
Health Care

CS/CS/CS/HB 1143 - Health & Family Services Policy Council, Health Care Appropriations Committee, & others
Reduction and Simplification of Health Care Provider Regulation

VII. Consideration of the following bills:

CS/HB 7161 - Criminal & Civil Justice Appropriations Committee, Criminal & Civil Justice Policy Council, & others
Court-Appointed Counsel

CS/HB 7181 - Criminal & Civil Justice Policy Council, Public Safety & Domestic Security Policy Committee, & others
Juvenile Justice

CS/HB 33 - Public Safety & Domestic Security Policy Committee, Randolph, & others
Selling, Giving, or Serving Alcoholic Beverages to Persons Under 21 Years of Age

HB 813 - Garcia
Juvenile Justice Facilities and Programs

CS/CS/HB 1033 - Economic Development & Community Affairs Policy Council, Roads, Bridges & Ports Policy Committee, & others
Road Designations

CS/HB 841 - Economic Development & Community Affairs Policy Council, Roberson, Y.
Road Designations

CS/CS/CS/HB 1271 - Economic Development & Community Affairs Policy Council, Transportation & Economic Development Appropriations Committee, & others
Transportation

CS/CS/HB 971 - Economic Development & Community Affairs Policy Council, Roads, Bridges & Ports Policy Committee, & others
Highway Safety & Motor Vehicles

CS/HB 795 - Roads, Bridges & Ports Policy Committee, Jones, & others
Penalties for Violations of Traffic Laws

CS/CS/HB 827 - Economic Development & Community Affairs Policy Council, Roads, Bridges & Ports Policy Committee, & others
Road Designations

CS/HB 1297 - Roads, Bridges & Ports Policy Committee, Gibson, & others
Northeast Florida Regional Transportation

CS/HM 191 - Rules & Calendar Council, Nehr, & others
Ecumenical Patriarchate

CS/HB 729 - Health Care Regulation Policy Committee, Brandenburg
Practice of Tattooing

CS/CS/CS/HB 303 - General Government Policy Council, Government Operations Appropriations Committee, & others
Regulation of Real Estate Appraisers and Appraisal Management Companies

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
Bill Galvano, Chair
Rules & Calendar Council

On motion by Rep. Galvano, the above report was adopted.

Bills and Joint Resolutions on Third Reading

HB 759—A bill to be entitled An act relating to the Northern Palm Beach County Improvement District, Palm Beach County; amending chapter 2000-467, Laws of Florida, as amended; revising procedures for the election of members of the district's board of supervisors; updating obsolete language; revising application of the definition of "electors"; revising board member qualification and residency requirements; excluding certain lands from those lands for which a landowner is entitled to a vote at a meeting of landowners; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Speaker Cretul in the Chair.

Yeas—110

Abruzzo	Fitzgerald	Legg	Roberson, Y.
Adams	Flores	Llorente	Rogers
Anderson	Ford	Long	Rouson
Aubuchon	Fresen	Lopez-Cantera	Sachs
Bembry	Frishe	Mayfield	Sands
Bernard	Gaetz	McBurney	Saunders
Bogdanoff	Galvano	McKeel	Schenck
Bovo	Garcia	Murzin	Schultz
Boyd	Gibbons	Nehr	Schwartz
Brandenburg	Gibson	Nelson	Skidmore
Braynon	Glorioso	O'Toole	Snyder
Brisé	Gonzalez	Pafford	Stargel
Burgin	Grady	Patronis	Steinberg
Bush	Grimsley	Patterson	Taylor
Cannon	Hasner	Plakon	Thompson, G.
Carroll	Hays	Poppell	Thompson, N.
Chestnut	Heller	Porth	Thurston
Clarke-Reed	Holder	Precourt	Tobia
Coley	Homan	Proctor	Van Zant
Cretul	Hooper	Rader	Weatherford
Crisafulli	Horner	Randolph	Weinstein
Cruz	Hudson	Ray	Williams, A.
Domino	Hukill	Reagan	Williams, T.
Dorworth	Jenne	Reed	Wood
Drake	Jones	Rehwinkel Vasilinda	Workman
Eisnaugle	Kelly	Rivera	Zapata
Evers	Kiar	Robaina	
Fetterman	Kriseman	Roberson, K.	

Nays—None

Votes after roll call:
Yeas—Ambler, Bullard, Kreegel, Soto, Troutman, Waldman

So the bill passed and was immediately certified to the Senate.

HB 1049—A bill to be entitled An act relating to the City of Eustis, Lake County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to a nonprofit civic organization to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way in the downtown area of Eustis; providing that such events require a street-closure permit from the City of Eustis; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply with certain statutory requirements in obtaining the permits authorized by the act; requiring the division to adopt rules; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 900

Speaker Cretul in the Chair.

Yeas—111

Abruzzo	Fitzgerald	Legg	Roberson, Y.
Adams	Flores	Llorente	Rogers
Anderson	Ford	Long	Rouson
Aubuchon	Fresen	Lopez-Cantera	Sachs
Bembry	Frishe	Mayfield	Sands
Bernard	Gaetz	McBurney	Saunders
Bogdanoff	Galvano	McKeel	Schenck
Bovo	Garcia	Murzin	Schultz
Boyd	Gibbons	Nehr	Schwartz
Brandenburg	Gibson	Nelson	Skidmore
Braynon	Glorioso	O'Toole	Snyder
Brisé	Gonzalez	Pafford	Soto
Burgin	Grady	Patronis	Stargel
Bush	Grimsley	Patterson	Steinberg
Cannon	Hasner	Plakon	Taylor
Carroll	Hays	Planas	Thompson, G.
Chestnut	Heller	Poppell	Thompson, N.
Clarke-Reed	Holder	Porth	Thurston
Coley	Homan	Precourt	Tobia
Cretul	Hooper	Proctor	Waldman
Crisafulli	Horner	Rader	Weatherford
Cruz	Hudson	Randolph	Weinstein
Domino	Hukill	Ray	Williams, A.
Dorworth	Jenne	Reagan	Williams, T.
Drake	Jones	Rehwinkel Vasilinda	Wood
Eisnaugle	Kelly	Rivera	Workman
Evers	Kiar	Robaina	Zapata
Fetterman	Kriseman	Roberson, K.	

Nays—1

Van Zant

Votes after roll call:
Yeas—Ambler, Bullard, Kreegel, Reed, Troutman

So the bill passed and was immediately certified to the Senate.

HB 1051—A bill to be entitled An act relating to the City of Tavares, Lake County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to a nonprofit civic organization to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way in the downtown area of Tavares; providing that such events require a street-closure permit from the City of Tavares; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply with certain statutory requirements in obtaining the permits authorized by the act; requiring the division to adopt rules; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 901

Speaker Cretul in the Chair.

Yeas—110

Abruzzo	Bogdanoff	Burgin	Coley
Adams	Bovo	Bush	Cretul
Anderson	Boyd	Cannon	Crisafulli
Aubuchon	Brandenburg	Carroll	Domino
Bembry	Braynon	Chestnut	Dorworth
Bernard	Brisé	Clarke-Reed	Drake

Eisnaugle
Evers
Fetterman
Fitzgerald
Flores
Ford
Fresen
Frishe
Gaetz
Galvano
Garcia
Gibbons
Gibson
Glorioso
Gonzalez
Grady
Grimsley
Hasner
Hays
Heller
Holder
Homan
Hooper
Horner
Hudson
Hukill
Jenne
Jones
Kelly
Kiar
Kriseman
Legg
Llorente
Long
Mayfield
McBurney
McKeel
Murzin
Nehr
Nelson
O'Toole
Pafford
Patronis
Patterson
Plakon
Planas
Poppell
Porth
Precourt
Proctor
Rader
Randolph
Ray
Reagan
Reed
Rehwinkel Vasilinda
Rivera
Robaina
Roberson, K.
Roberson, Y.
Rogers
Rouson
Sachs
Sands
Saunders
Schenck
Schultz
Schwartz
Skidmore
Snyder
Soto
Stargel
Steinberg
Taylor
Thompson, G.
Thompson, N.
Thurston
Tobia
Waldman
Weatherford
Weinstein
Williams, A.
Williams, T.
Wood
Workman
Zapata

Nays—1

Van Zant

Votes after roll call:
Yeas—Ambler, Bullard, Cruz, Kreegel, Troutman

So the bill passed and was immediately certified to the Senate.

HB 1121—A bill to be entitled An act relating to the Town of Grant-Valkaria, Brevard County; amending chapter 2006-348, Laws of Florida; specifying certain revenue sources for qualification to receive revenue-sharing funds under shared revenue programs of the state; providing severability; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 902

Speaker Cretul in the Chair.

Yeas—110

Abruzzo
Adams
Anderson
Aubuchon
Bembry
Bernard
Bogdanoff
Bovo
Boyd
Brandenburg
Braynon
Brisé
Burgin
Bush
Cannon
Carroll
Chestnut
Clarke-Reed
Coley
Crisafulli
Cruz
Domino
Dorworth
Drake
Eisnaugle
Evers
Fetterman
Fitzgerald
Flores
Ford
Fresen
Frishe
Gaetz
Galvano
Garcia
Gibbons
Gibson
Glorioso
Gonzalez
Grady
Grimsley
Hasner
Hays
Heller
Holder
Homan
Hooper
Horner
Hudson
Hukill
Jones
Kelly
Kiar
Kriseman
Legg
Llorente
Long
Lopez-Cantera
Mayfield
McBurney
McKeel
Murzin
Nehr
Nelson
O'Toole
Pafford
Patronis
Patterson
Plakon
Planas
Poppell
Porth
Precourt
Proctor
Rader
Randolph
Ray
Reed
Rehwinkel Vasilinda
Rivera
Robaina
Roberson, K.
Roberson, Y.
Rogers
Rouson
Sachs
Sands
Saunders
Schenck
Schultz
Schwartz
Skidmore
Snyder
Soto
Stargel
Steinberg
Taylor
Thompson, G.
Thompson, N.
Thurston
Tobia
Van Zant
Waldman
Weatherford
Weinstein
Williams, A.
Williams, T.
Wood
Workman
Zapata

Nays—1

Jenne

Votes after roll call:
Yeas—Ambler, Bullard, Cretul, Kreegel, Troutman

So the bill passed and was immediately certified to the Senate.

CS/HB 1129—A bill to be entitled An act relating to City of Tamarac, Broward County; extending and enlarging the corporate limits of the City of Tamarac to include specified unincorporated lands within such corporate limits; providing for an effective date of annexation; providing for an interlocal agreement; providing for land use and zoning governance; providing legislative findings; providing requirements for the levying of fire rescue special assessments; providing for an assessment methodology review and report on the fire rescue special assessment; prohibiting the charging of certain impact fees; providing applicability to existing contracts; providing for transfer of public roads and rights-of-way; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 903

Speaker Cretul in the Chair.

Yeas—109

Abruzzo
Adams
Anderson
Aubuchon
Bembry
Bernard
Bogdanoff
Bovo
Boyd
Brandenburg
Braynon
Brisé
Burgin
Bush
Cannon
Carroll
Chestnut
Clarke-Reed
Coley
Crisafulli
Cruz
Domino
Dorworth
Drake
Eisnaugle
Evers
Fetterman
Fitzgerald
Flores
Ford
Frishe
Gaetz
Galvano
Garcia
Gibbons
Gibson
Glorioso
Gonzalez
Grady
Grimsley
Hasner
Hays
Heller
Holder
Homan
Hooper
Horner
Hudson
Hukill
Jenne
Jones
Kelly
Kiar
Kriseman
Legg
Llorente
Long
Lopez-Cantera
Mayfield
McBurney
McKeel
Murzin
Nehr
Nelson
O'Toole
Pafford
Patronis
Patterson
Plakon
Planas
Poppell
Porth
Precourt
Proctor
Rader
Randolph
Ray
Reagan
Reed
Rivera
Robaina
Roberson, Y.
Rogers
Rouson
Sachs
Sands
Saunders
Schenck
Schultz
Schwartz
Skidmore
Snyder
Soto
Stargel
Steinberg
Taylor
Thompson, G.
Thompson, N.
Thurston
Tobia
Van Zant
Waldman
Weatherford
Weinstein
Williams, A.
Williams, T.
Wood
Workman
Zapata

Nays—None

Votes after roll call:
Yeas—Ambler, Bullard, Cretul, Kreegel, Rehwinkel Vasilinda, Roberson, K., Troutman

So the bill passed and was immediately certified to the Senate.

CS/HB 1209—A bill to be entitled An act relating to the City of Fort Lauderdale, Broward County; extending and enlarging the corporate limits of the City of Fort Lauderdale to include specified unincorporated lands within such corporate limits; providing for an effective date of annexation; providing for an interlocal agreement, land use and zoning governance, and residency qualification for candidacies for municipal office; providing applicability to existing contracts; providing for transfer of public roads and rights-of-way; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 904

Speaker Cretul in the Chair.

Yeas—113

Abruzzo	Flores	Long	Rouson
Adams	Ford	Lopez-Cantera	Sachs
Anderson	Fresen	Mayfield	Sands
Aubuchon	Frishe	McBurney	Saunders
Bembry	Gaetz	McKeel	Schenck
Bernard	Galvano	Murzin	Schultz
Bogdanoff	Garcia	Nehr	Schwartz
Bovo	Gibbons	Nelson	Skidmore
Boyd	Gibson	O'Toole	Snyder
Brandenburg	Glorioso	Pafford	Soto
Braynon	Gonzalez	Patronis	Stargel
Brisé	Grady	Patterson	Steinberg
Burgin	Grimsley	Plakon	Taylor
Bush	Hasner	Planas	Thompson, G.
Cannon	Hays	Poppell	Thompson, N.
Carroll	Heller	Porth	Thurston
Chestnut	Holder	Precourt	Tobia
Clarke-Reed	Homan	Proctor	Van Zant
Coley	Hooper	Rader	Waldman
Cretul	Horner	Randolph	Weatherford
Crisafulli	Hudson	Ray	Weinstein
Cruz	Hukill	Reagan	Williams, A.
Domino	Jenne	Reed	Williams, T.
Dorworth	Jones	Rehwinkel Vasilinda	Wood
Drake	Kelly	Rivera	Workman
Eisnaugle	Kiar	Robaina	Zapata
Evers	Kriseman	Roberson, K.	
Fetterman	Legg	Roberson, Y.	
Fitzgerald	Llorente	Rogers	

Nays—None

Votes after roll call:
Yeas—Ambler, Bullard, Kreegel, Troutman

So the bill passed and was immediately certified to the Senate.

CS/HB 1247 was temporarily postponed.

HB 1295—A bill to be entitled An act relating to the City of Lauderhill, Broward County; extending and enlarging the corporate limits of the city to include specified unincorporated lands; providing an effective date of annexation; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 905

Speaker Cretul in the Chair.

Yeas—113

Abruzzo	Coley	Gibbons	Kiar
Adams	Cretul	Gibson	Kriseman
Anderson	Crisafulli	Glorioso	Legg
Aubuchon	Cruz	Gonzalez	Llorente
Bembry	Domino	Grady	Long
Bernard	Dorworth	Grimsley	Lopez-Cantera
Bogdanoff	Drake	Hasner	Mayfield
Bovo	Eisnaugle	Hays	McBurney
Boyd	Evers	Heller	McKeel
Brandenburg	Fetterman	Holder	Murzin
Braynon	Fitzgerald	Homan	Nehr
Brisé	Flores	Hooper	Nelson
Burgin	Ford	Horner	O'Toole
Bush	Fresen	Hudson	Pafford
Cannon	Frishe	Hukill	Patronis
Carroll	Gaetz	Jenne	Patterson
Chestnut	Galvano	Jones	Plakon
Clarke-Reed	Garcia	Kelly	Planas
Poppell	Roberson, K.	Snyder	Waldman
Porth	Roberson, Y.	Soto	Weatherford
Precourt	Rogers	Stargel	Weinstein
Proctor	Rouson	Steinberg	Williams, A.
Rader	Sachs	Taylor	Williams, T.
Randolph	Sands	Thompson, G.	Wood
Ray	Saunders	Thompson, N.	Workman
Reagan	Schenck	Thurston	Zapata
Reed	Schultz	Tobia	
Rehwinkel Vasilinda	Schwartz	Troutman	
Rivera	Skidmore	Van Zant	

Nays—None

Votes after roll call:
Yeas—Ambler, Bullard, Kreegel, Robaina

So the bill passed and was immediately certified to the Senate.

CS/HB 1473—A bill to be entitled An act relating to Manatee County; amending chapter 30561 (1955), Laws of Florida, as amended; revising the legal boundaries of the City of Anna Maria to remove land that is currently included in the boundaries of the City of Holmes Beach and to include described submerged lands; exempting Manatee County from certain regulations of the City of Anna Maria; revising the boundaries of the City of Holmes Beach to include unincorporated land owned by the Department of Transportation; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 906

Speaker Cretul in the Chair.

Yeas—111

Abruzzo	Flores	Long	Rouson
Adams	Ford	Lopez-Cantera	Sachs
Anderson	Fresen	Mayfield	Sands
Aubuchon	Frishe	McKeel	Saunders
Bembry	Gaetz	Murzin	Schenck
Bernard	Galvano	Nehr	Schultz
Bogdanoff	Garcia	Nelson	Schwartz
Bovo	Gibbons	O'Toole	Skidmore
Boyd	Gibson	Pafford	Snyder
Brandenburg	Gonzalez	Patronis	Soto
Braynon	Grady	Patterson	Stargel
Brisé	Grimsley	Plakon	Steinberg
Bullard	Hasner	Planas	Taylor
Burgin	Hays	Poppell	Thompson, G.
Bush	Heller	Porth	Thompson, N.
Cannon	Holder	Precourt	Thurston
Carroll	Homan	Proctor	Tobia
Chestnut	Hooper	Rader	Troutman
Clarke-Reed	Horner	Randolph	Van Zant
Coley	Hudson	Ray	Waldman
Crisafulli	Hukill	Reagan	Weatherford
Cruz	Jenne	Reed	Weinstein
Domino	Jones	Rehwinkel Vasilinda	Williams, A.
Dorworth	Kelly	Rivera	Williams, T.
Drake	Kiar	Robaina	Wood
Evers	Kriseman	Roberson, K.	Workman
Fetterman	Legg	Roberson, Y.	Zapata
Fitzgerald	Llorente	Rogers	

Nays—1

McBurney

Votes after roll call:
Yeas—Ambler, Cretul, Glorioso, Kreegel
Nays to Yeas—McBurney

So the bill passed and was immediately certified to the Senate.

HB 1519—A bill to be entitled An act relating to the Sarasota County Tourist Development Council; providing legislative findings; providing for appointment of additional members to the membership of the Sarasota County Tourist Development Council; specifying requirements for the council members; providing for duties, responsibilities, and procedures of the council; providing for superseding certain provisions of general law; providing construction; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 907

Speaker Cretul in the Chair.

Yeas—115

Abruzzo	Fitzgerald	Llorente	Rogers
Adams	Flores	Long	Rouson
Anderson	Ford	Lopez-Cantera	Sachs
Aubuchon	Fresen	Mayfield	Sands
Bembry	Frishe	McBurney	Saunders
Bernard	Gaetz	McKeel	Schenck
Bogdanoff	Galvano	Murzin	Schultz
Bovo	Garcia	Nehr	Schwartz
Boyd	Gibbons	Nelson	Skidmore
Brandenburg	Gibson	O'Toole	Snyder
Braynon	Glorioso	Pafford	Soto
Brisé	Gonzalez	Patronis	Stargel
Bullard	Grady	Patterson	Steinberg
Burgin	Grimsley	Plakon	Taylor
Bush	Hasner	Planas	Thompson, G.
Cannon	Hays	Poppell	Thompson, N.
Carroll	Heller	Porth	Thurston
Chestnut	Holder	Precourt	Tobia
Clarke-Reed	Homan	Proctor	Troutman
Coley	Hooper	Rader	Van Zant
Cretul	Horner	Randolph	Waldman
Crisafulli	Hudson	Ray	Weatherford
Cruz	Hukill	Reagan	Weinstein
Domino	Jenne	Reed	Williams, A.
Dorworth	Jones	Rehwinkel Vasilinda	Williams, T.
Drake	Kelly	Rivera	Wood
Eisnaugle	Kiar	Robaina	Workman
Evers	Kriseman	Roberson, K.	Zapata
Fetterman	Legg	Roberson, Y.	

Nays—None

Votes after roll call:
Yeas—Ambler, Kreegel

So the bill passed and was immediately certified to the Senate.

HB 1625—A bill to be entitled An act relating to Brevard County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the East Coast Zoological Society of Florida, Inc., for use within the Brevard Zoo buildings and grounds; providing for payment of the license fee; providing for sale of beverages for consumption within the zoo buildings and grounds; providing for transfer of the license; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 908

Speaker Cretul in the Chair.

Yeas—113

Abruzzo	Bembry	Boyd	Bullard
Adams	Bernard	Brandenburg	Burgin
Anderson	Bogdanoff	Braynon	Bush
Aubuchon	Bovo	Brisé	Cannon
Carroll	Grimsley	O'Toole	Schenck
Chestnut	Hasner	Pafford	Schultz
Clarke-Reed	Hays	Patronis	Schwartz
Coley	Heller	Patterson	Skidmore
Crisafulli	Holder	Plakon	Snyder
Cruz	Homan	Planas	Soto
Domino	Hooper	Poppell	Stargel
Dorworth	Horner	Porth	Steinberg
Drake	Hudson	Precourt	Taylor
Eisnaugle	Hukill	Proctor	Thompson, G.
Evers	Jenne	Rader	Thompson, N.
Fetterman	Jones	Randolph	Thurston
Fitzgerald	Kelly	Ray	Tobia
Flores	Kiar	Reagan	Troutman
Ford	Kriseman	Reed	Waldman
Fresen	Legg	Rehwinkel Vasilinda	Weatherford
Frishe	Llorente	Rivera	Weinstein
Gaetz	Long	Robaina	Williams, A.
Galvano	Lopez-Cantera	Roberson, K.	Williams, T.
Garcia	Mayfield	Roberson, Y.	Wood
Gibbons	McBurney	Rogers	Workman
Gibson	McKeel	Rouson	Zapata
Glorioso	Murzin	Sachs	
Gonzalez	Nehr	Sands	
Grady	Nelson	Saunders	

Nays—1

Van Zant

Votes after roll call:
Yeas—Ambler, Cretul, Kreegel

So the bill passed and was immediately certified to the Senate.

CS/HB 1425—A bill to be entitled An act relating to Broward County; providing a short title; providing definitions; creating the Broward County Office of Inspector General; providing functions, authority, and powers of the Inspector General; providing for qualifications, selection, contract, facilities, and staff; providing for reporting and budgeting; providing for removal; providing for funding; authorizing imposition of a contract fee; providing applicability with respect to the state attorney and United States Attorney for the Southern District of Florida; providing for a code of ethics for local governments within Broward County; providing for amendment by special act; providing that the act controls with respect to any conflict with the county charter or any county ordinance; providing for referenda; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 909

Speaker Cretul in the Chair.

Yeas—113

Abruzzo	Cretul	Grady	Mayfield
Adams	Crisafulli	Grimsley	McBurney
Ambler	Cruz	Hasner	McKeel
Aubuchon	Domino	Hays	Murzin
Bembry	Dorworth	Heller	Nehr
Bernard	Drake	Holder	Nelson
Bogdanoff	Eisnaugle	Homan	O'Toole
Bovo	Evers	Hooper	Pafford
Boyd	Fetterman	Horner	Patterson
Brandenburg	Fitzgerald	Hudson	Plakon
Braynon	Flores	Hukill	Planas
Brisé	Ford	Jenne	Poppell
Bullard	Fresen	Jones	Porth
Burgin	Frishe	Kelly	Precourt
Bush	Gaetz	Kiar	Proctor
Cannon	Galvano	Kriseman	Rader
Carroll	Garcia	Legg	Randolph
Chestnut	Gibbons	Llorente	Ray
Clarke-Reed	Gibson	Long	Reagan
Coley	Glorioso	Lopez-Cantera	Reed

Rehwinkel Vasilinda	Saunders	Taylor	Weinstein
Rivera	Schenck	Thompson, G.	Williams, A.
Robaina	Schultz	Thompson, N.	Williams, T.
Roberson, K.	Schwartz	Thurston	Wood
Roberson, Y.	Skidmore	Tobia	Workman
Rogers	Snyder	Troutman	Zapata
Rouson	Soto	Van Zant	
Sachs	Stargel	Waldman	
Sands	Steinberg	Weatherford	

Nays—None

Votes after roll call:
Yeas—Gonzalez, Kreegel

So the bill passed, as amended, and was immediately certified to the Senate.

CS/HB 1247—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the Children's Museum of Tampa, Inc., to use within the museum's building and on its grounds; providing that the license may be used only for special events; providing for payment of the license fee; providing for sale of beverages for consumption within the museum's building and on its grounds; prohibiting sales for consumption off premises; authorizing transfer and providing for subsequent reversion of the license under certain circumstances; providing an effective date.

—was taken up, having been temporarily postponed earlier today, and read the third time by title.

Session Vote Sequence: 910

Speaker Cretul in the Chair.

Yeas—114

Abruzzo	Flores	Long	Rouson
Ambler	Ford	Lopez-Cantera	Sachs
Anderson	Fresen	Mayfield	Sands
Aubuchon	Frishe	McBurney	Saunders
Bembry	Gaetz	McKeel	Schenck
Bernard	Galvano	Murzin	Schultz
Bogdanoff	Garcia	Nehr	Schwartz
Bovo	Gibbons	Nelson	Skidmore
Boyd	Gibson	O'Toole	Snyder
Brandenburg	Glorioso	Pafford	Soto
Braynon	Gonzalez	Patronis	Stargel
Brisé	Grady	Patterson	Steinberg
Bullard	Grimsley	Plakon	Taylor
Burgin	Hasner	Planas	Thompson, G.
Bush	Hays	Poppell	Thompson, N.
Cannon	Heller	Porth	Thurston
Carroll	Holder	Precourt	Tobia
Chestnut	Homan	Proctor	Troutman
Clarke-Reed	Hooper	Rader	Van Zant
Coley	Horner	Randolph	Waldman
Cretul	Hudson	Ray	Weatherford
Crisafulli	Hukill	Reagan	Weinstein
Cruz	Jenne	Reed	Williams, A.
Domino	Jones	Rehwinkel Vasilinda	Williams, T.
Dorworth	Kelly	Rivera	Wood
Drake	Kiar	Robaina	Workman
Eisnaugle	Kriseman	Roberson, K.	Zapata
Evers	Legg	Roberson, Y.	
Fitzgerald	Llorente	Rogers	

Nays—None

Votes after roll call:
Yeas—Adams, Fetterman, Kreegel
Yeas to Nays—Van Zant

So the bill passed and was immediately certified to the Senate.

CS/CS/HB 447 was temporarily postponed.

Motion

Rep. Patronis moved that the House take up CS/HB 1113 and CS for SB 2054. The motion was agreed to.

CS/HB 1113 was taken up. On motion by Rep. Patronis, the House agreed to substitute CS for SB 2054 for CS/HB 1113 and read CS for SB 2054 the second time by title. Under Rule 5.13, the House bill was laid on the table.

CS for SB 2054—A bill to be entitled An act relating to road designations; designating Doolittle Raiders Highway in Okaloosa and Walton Counties; designating Beach Highway in Walton County; designating K. Earl Durden Highway in Bay County; directing the Department of Transportation to erect markers; providing an effective date.

—was read the second time by title. On motion by Rep. Patronis, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 911

Speaker Cretul in the Chair.

Yeas—114

Abruzzo	Fitzgerald	Llorente	Rouson
Ambler	Flores	Long	Sachs
Anderson	Ford	Lopez-Cantera	Sands
Aubuchon	Fresen	Mayfield	Saunders
Bembry	Frishe	McBurney	Schenck
Bernard	Gaetz	McKeel	Schultz
Bogdanoff	Galvano	Murzin	Schwartz
Bovo	Garcia	Nehr	Skidmore
Boyd	Gibbons	Nelson	Snyder
Brandenburg	Gibson	O'Toole	Soto
Braynon	Glorioso	Pafford	Stargel
Brisé	Gonzalez	Patronis	Steinberg
Bullard	Grady	Patterson	Taylor
Burgin	Grimsley	Plakon	Thompson, G.
Bush	Hasner	Planas	Thompson, N.
Cannon	Hays	Poppell	Thurston
Carroll	Heller	Porth	Tobia
Chestnut	Holder	Precourt	Troutman
Clarke-Reed	Homan	Proctor	Van Zant
Coley	Hooper	Rader	Waldman
Cretul	Horner	Randolph	Weatherford
Crisafulli	Hudson	Ray	Weinstein
Cruz	Hukill	Reagan	Williams, A.
Domino	Jenne	Reed	Williams, T.
Dorworth	Jones	Rehwinkel Vasilinda	Wood
Drake	Kelly	Rivera	Workman
Eisnaugle	Kiar	Roberson, K.	Zapata
Evers	Kriseman	Roberson, Y.	
Fetterman	Legg	Rogers	

Nays—None

Votes after roll call:
Yeas—Adams, Kreegel, Robaina

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Galvano, the rules were waived and the House agreed to advance to the order of business of—

Special Orders

CS/CS/HB 1565—A bill to be entitled An act relating to rulemaking; amending s. 120.54, F.S.; requiring each agency, before adopting, amending, or repealing certain rules, to prepare a statement of estimated regulatory costs of the proposed rule if the proposed rule has adverse impacts on small business or increases regulatory costs; providing an exception to circumstances under

which an emergency rule shall not be effective; amending s. 120.541, F.S.; extending the time period for filing a rule when a substantially affected person submits a proposal for a lower cost regulatory alternative; providing circumstances under which an agency shall prepare or revise a statement of estimated regulatory costs; providing notice requirements; providing that an agency's failure to prepare or revise the statement of estimated regulatory costs is a material failure to follow the applicable rulemaking procedures or requirements of the chapter; specifying conditions under which a challenged rule may not be declared invalid; specifying the requirements for an economic analysis on a proposed rule or rule changes; requiring that a rule impact analysis for small businesses include the agency's basis for not implementing alternatives to a proposed rule; providing circumstances under which a rule shall not take effect until ratified by the Legislature; providing that the act is not applicable to certain specified rules or standards; amending s. 120.56, F.S.; providing for revised statements of estimated regulatory costs as a basis for challenging a rule; amending s. 120.60, F.S.; authorizing an agency to provide by rule for the time period for submitting additional information needed for a license application; requiring that certain requests to receive notice relating to a license application be submitted in writing; providing an effective date.

—was read the second time by title.

Representative Dorworth offered the following:

(Amendment Bar Code: 709869)

Amendment 1 (with title amendment)—Remove lines 166-171 and insert:
proposal is submitted, the 90-day period for filing the rule is extended 21 days.
~~(b)~~ Upon the submission of the lower cost regulatory alternative, the agency shall prepare a statement of estimated regulatory costs as provided in subsection (2), or shall revise

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T I T L E A M E N D M E N T

Remove lines 9-12 and insert:
effective; amending s. 120.541, F.S.; providing circumstances under which an agency

Rep. Dorworth moved the adoption of the amendment, which was adopted.

Representative Dorworth offered the following:

(Amendment Bar Code: 467611)

Amendment 2 (with title amendment)—Remove lines 197-214 and insert:
(e) Notwithstanding s. 120.56(1)(c), the failure of the agency to prepare a statement of estimated regulatory costs or to respond to a written lower cost regulatory alternative as provided in this subsection is a material failure to follow the applicable rulemaking procedures or requirements set forth in this chapter.
(f)~~(e)~~ An agency's failure to prepare a statement of estimated regulatory costs or to respond to a written lower cost regulatory alternative may not be raised in a proceeding challenging the validity of a rule pursuant to s. 120.52(8)(a) ~~No rule shall be declared invalid because it imposes regulatory costs on the regulated person, county, or city which could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives, and no rule shall be declared invalid based upon a challenge to the agency's statement of regulatory costs,~~ unless:
1. ~~The issue is~~ Raised in a petition filed no later than ~~an administrative proceeding within~~ 1 year after the effective date of the rule; and
2. Raised by a person whose substantial interests are affected by the rule's regulatory costs. ~~The substantial~~

T I T L E A M E N D M E N T

Remove lines 15-19 and insert:
that an agency's failure to prepare a statement of estimated regulatory costs or respond to a written lower cost regulatory alternative is a material failure to follow the applicable rulemaking procedures or requirements of the chapter; specifying circumstances under which certain challenges may not be raised; providing exceptions;

Rep. Dorworth moved the adoption of the amendment, which was adopted.

Representative Dorworth offered the following:

(Amendment Bar Code: 456085)

Amendment 3—Remove lines 224-228 and insert:
(g) A rule that is challenged pursuant to s. 120.52(8)(f) may not be declared invalid unless:

Rep. Dorworth moved the adoption of the amendment, which was adopted.

Representative Dorworth offered the following:

(Amendment Bar Code: 598897)

Amendment 4—Remove line 235 and insert:
rule are materially affected by the rejection.

Rep. Dorworth moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 7227 was taken up. On motion by Rep. Carroll, the House agreed to substitute SB 2284 for HB 7227 and read SB 2284 the second time by title. Under Rule 5.13, the House Bill was laid on the table.

SB 2284—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2012; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HJR 7231—A joint resolution proposing the creation of Section 20 of Article III of the State Constitution to provide standards for establishing legislative and congressional district boundaries.

—was read the second time by title.

Representative Hukill offered the following:

(Amendment Bar Code: 093801)

Amendment 1 (with ballot amendment)—Remove line 23 and insert:
their choice, and communities of common interest other than political parties may be respected and

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B A L L O T A M E N D M E N T

Remove line 41 and insert:
communities of common interest other than political parties may be respected and promoted, both

Rep. Hukill moved the adoption of the amendment.

THE SPEAKER PRO TEMPORE IN THE CHAIR

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Amendment 1**, which was adopted.

Under Rule 10.10(b), the joint resolution was referred to the Engrossing Clerk.

HB 609 was temporarily postponed.

CS/HB 1157—A bill to be entitled An act relating to the Local Government Prompt Payment Act; amending s. 218.72, F.S.; revising definitions; amending s. 218.735, F.S.; revising provisions relating to the timely payment for purchases of construction services; requiring that a dispute be resolved according to procedures in the contract; prohibiting the assessment of damages against a contractor if the list of items remaining to complete is not timely provided to the contractor; amending s. 218.76, F.S.; revising provisions relating to the resolution of disputes concerning an improper payment request or invoice; providing that a local governmental entity waives its objection in a payment dispute if it fails to commence the dispute resolution procedure within the time required; providing an effective date.

—was read the second time by title.

Representative Eisnaugle offered the following:

(Amendment Bar Code: 221457)

Amendment 1—Remove line 82 and insert:
the payment request or invoice is not rejected within 4 business

Rep. Eisnaugle moved the adoption of the amendment, which was adopted.

Representative Eisnaugle offered the following:

(Amendment Bar Code: 705859)

Amendment 2—Remove line 98 and insert:
after the contract award or notice to proceed. A contractor's submission of a payment

Rep. Eisnaugle moved the adoption of the amendment, which was adopted.

Representative Eisnaugle offered the following:

(Amendment Bar Code: 499963)

Amendment 3—Remove lines 292-310 and insert:
the dispute resolution procedure within 4 business days after such notice, any amounts resolved in the contractor's favor shall bear mandatory interest, as set forth in s. 218.735(9), from the date the payment request or invoice containing the disputed amounts was submitted to the local governmental entity. If the dispute resolution procedure is not commenced within 4 business days after the notice, the objection to the payment request or invoice shall be deemed waived. The waiver of an objection pursuant to this paragraph does not relieve a contractor of its contractual obligations.

(3) In an action to recover amounts due under this part ~~ss. 218.70-218.80~~, the court shall award court costs and reasonable attorney's fees, including fees incurred through ~~any~~ appeal, to the prevailing party~~, if the court finds that the nonprevailing party withheld any portion of the payment that is the subject of the action without any reasonable basis in law or fact to dispute the prevailing party's claim to those amounts~~.

Rep. Eisnaugle moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1193—A bill to be entitled An act relating to retirement; providing a short title; providing legislative findings; providing a statement of important state interest; amending s. 121.021, F.S.; revising the definition of "special risk member" to include certain members suffering a qualifying injury; amending s. 121.0515, F.S.; providing eligibility requirements for membership in the Special Risk Class for certain members suffering a qualifying injury; providing medical certification requirements; providing a definition; prohibiting the grant or creation of additional rights; providing retroactive effect; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7125—A bill to be entitled An act relating to criminal penalties for violations of tax statutes; amending s. 212.07, F.S.; conforming a cross-reference to changes made by the act; imposing an additional monetary penalty on a dealer for willfully failing to collect certain taxes or fees after notice of a duty to collect the taxes or fees by the Department of Revenue; specifying a schedule of criminal penalties relating to amounts not collected; defining the term "willful"; requiring the department to send written notice of the duty to register by certain specified means; amending s. 212.12, F.S.; revising provisions imposing an additional monetary penalty on persons making false or fraudulent returns with a willful intent to evade payment of taxes or fees; specifying a schedule of criminal penalties relating to amounts not paid; deleting provisions relating to criminal penalties for failing to register as a dealer or to collect tax after notice from the Department of Revenue; amending s. 212.18, F.S.; revising requirements for registration of dealers; revising penalties for failing or refusing to register as a dealer; providing a criminal penalty for willfully failing to register as a dealer after notice by the Department of Revenue; defining the term "willful"; requiring the department to send written notice of the duty to register by certain specified means; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/CS/HB 557—A bill to be entitled An act relating to tangible personal property tax transparency; authorizing persons who rent certain heavy equipment to collect a tangible personal property tax recovery fee on certain heavy equipment property rentals for certain purposes; requiring disclosure of the fee in the rental agreement; specifying a rate for the fee; limiting the total fee collected at each business location; providing for refund or credit of amounts collected in excess of tangible personal property taxes levied on such equipment; providing definitions; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/HB 7157—A bill to be entitled An act relating to taxation; amending s. 55.204, F.S.; specifying the duration of liens securing the payment of unemployment compensation tax obligations; amending s. 95.091, F.S.; applying an exception to a limit on the duration of tax liens for certain tax liens relating to unemployment compensation taxes; amending s. 201.02, F.S.; excluding certain unpaid indebtedness from the taxable consideration for short sale transfers of real property; defining the term "short sale"; amending s. 202.125, F.S.; providing that an exemption from the communications services tax does not apply to transient public lodging establishments; amending s. 212.05, F.S.; specifying that the tax on sales, use, and other transactions applies to charges for nonresidential building cleaning and nonresidential building pest control; amending s. 212.0515, F.S.; revising the content of a required notice that must be posted on vending machines; amending s. 212.08, F.S.; providing criteria to determine whether the tax on sales, use, and other transactions applies to a package containing exempt food products and taxable nonfood products; providing that the tax exemption for building materials used in the rehabilitation of real property in an enterprise zone applies only while the property is being rehabilitated; providing that a single application for a tax refund of taxes paid on building materials used in the rehabilitation of real property may be used for certain contiguous parcels; revising the information that must be included in an application for a tax refund; providing that the tax exemption for building materials used in an enterprise zone may inure to a unit of government; revising the date by which an application for a tax refund for taxes paid on building materials used in an enterprise zone must be submitted to the department; amending s. 213.053, F.S.; authorizing the department to provide

certain confidential taxpayer information to the Florida Energy and Climate Commission; providing for retroactive operation; providing that restrictions on disclosure of confidential taxpayer information do not prohibit the department from using certain methods of electronic communication for certain purposes; providing that the department may release confidential taxpayer information relating to a corporation having an outstanding tax warrant to the Department of Business and Professional Regulation; authorizing the department to share taxpayer names and identification numbers for purposes of information-sharing agreements with financial institutions; authorizing the department to share certain information relating to the tax on sales, use, and other transactions with the Department of Environmental Protection; authorizing the department to publish a list of taxpayers against whom it has filed a warrant or judgment lien certificate; requiring the department to update the list at least monthly; authorizing the department to adopt rules; authorizing the department to provide confidential taxpayer information relating to collections from taxpayers against whom it has taken a collection action; creating s. 213.0532, F.S.; defining terms; requiring the department and certain financial institutions to enter into information-sharing agreements to enable the department to obtain the account balances and personally identifying information of taxpayers; authorizing the department and certain financial institutions to enter into information-sharing agreements to enable the department to obtain the account balances and personally identifying information of taxpayers; limiting the use of information gathered for the purpose of enforcing the collection of certain taxes and fees; requiring the department to pay a fee to the financial institutions for their services; limiting the liability for certain acts of financial institutions that enter into an information-sharing agreement; authorizing the department to adopt rules; amending s. 213.25, F.S.; authorizing the department to reduce a tax refund or credit owing to a taxpayer to the extent of liability for unemployment compensation taxes; amending s. 213.50, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to suspend or deny the renewal of a license for a hotel or restaurant having an outstanding tax warrant for a certain period of time; amending s. 213.67, F.S.; specifying additional methods by which the department may give notice of a tax delinquency for garnishment purposes; amending s. 220.192, F.S.; providing for the administration of certain portions of the renewable energy technologies tax credit program by the Florida Energy and Climate Commission; providing for retroactive application; amending s. 336.021, F.S.; revising the distribution of the ninth-cent fuel tax on motor fuel and diesel fuel; amending s. 443.036, F.S.; providing for the treatment of a single-member limited liability company as the employer for purposes of unemployment compensation law; amending s. 443.1215, F.S.; correcting a cross-reference; amending s. 443.1316, F.S.; conforming cross-references; amending s. 443.141, F.S.; providing penalties for erroneous, incomplete, or insufficient reports; authorizing a waiver of the penalty under certain circumstances; defining a term; authorizing the Agency for Workforce Innovation and the state agency providing unemployment compensation tax collection services to adopt rules; providing an expiration date for liens for contributions and reimbursements; amending s. 443.163, F.S.; increasing penalties for failing to file Employers Quarterly Reports by means other than approved electronic means; revising waiver provisions; creating s. 213.692, F.S.; authorizing the Department of Revenue to revoke all certificates of registration, permits, or licenses issued to a taxpayer against whose property the department has filed a warrant or tax lien; requiring the scheduling of an informal conference before revocation of the certificates of registration, permits, or licenses; prohibiting the Department of Revenue from issuing a certificate of registration, permit, or license to a taxpayer whose certificate of registration, permit, or license has been revoked; providing exceptions; requiring security as a condition of issuing a new certificate of registration to a person whose certificate of registration, permit, or license has been revoked after the filing of a warrant or tax lien certificate; authorizing the department to adopt rules, including emergency rules; repealing s. 195.095, F.S., relating to the authority of the Department of Revenue to develop lists of bidders that are approved to contract with property appraisers, tax collectors, or county commissions for assessment or collection services; repealing s. 213.054, F.S., relating to monitoring and reporting on the use of a tax deduction claimed by international banking institutions; providing effective dates.

—was read the second time by title.

On motion by Rep. Bogdanoff, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Bogdanoff offered the following:

(Amendment Bar Code: 687025)

Amendment 1 (with title amendment)—Between lines 688 and 689, insert:

Section 8. (1) Effective January 2, 2011, subsection (6) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—

(a) There are also exempt from the tax imposed by this chapter sales made to the United States Government, a state, or any county, municipality, or political subdivision of a state when payment is made directly to the dealer by the governmental entity. This exemption shall not inure to any transaction otherwise taxable under this chapter when payment is made by a government employee by any means, including, but not limited to, cash, check, or credit card when that employee is subsequently reimbursed by the governmental entity. ~~This exemption does not include sales of tangible personal property made to contractors employed either directly or as agents of any such government or political subdivision thereof when such tangible personal property goes into or becomes a part of public works owned by such government or political subdivision. A determination whether a particular transaction is properly characterized as an exempt sale to a government entity or a taxable sale to a contractor shall be based on the substance of the transaction rather than the form in which the transaction is cast. The department shall adopt rules that give special consideration to factors that govern the status of the tangible personal property before its affixation to real property. In developing these rules, assumption of the risk of damage or loss is of paramount consideration in the determination.~~ This exemption does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in the generation, transmission, or distribution of electrical energy by systems owned and operated by a political subdivision in this state for transmission or distribution expansion. Likewise exempt are charges for services rendered by radio and television stations, including line charges, talent fees, or license fees and charges for films, videotapes, and transcriptions used in producing radio or television broadcasts. The exemption provided in this subsection does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in providing two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in s. 364.02(15), and for which a certificate is required under chapter 364, which facility is owned and operated by any county, municipality, or other political subdivision of the state. Any immunity of any political subdivision of the state or other entity of local government from taxation of the property used to provide telecommunication services that is taxed as a result of this section is hereby waived. However, the exemption provided in this subsection includes transactions taxable under this chapter which are for use by the operator of a public-use airport, as defined in s. 332.004, in providing such telecommunications services for the airport or its tenants, concessionaires, or licensees, or which are for use by a public hospital for the provision of such telecommunications services.

(b) The exemption provided under this subsection does not include sales of tangible personal property made to contractors employed directly to or as

agents of any such government or political subdivision when such tangible personal property goes into or becomes a part of public works owned by such government or political subdivision. A determination of whether a particular transaction is properly characterized as an exempt sale to a government entity or a taxable sale to a contractor shall be based upon the substance of the transaction rather than the form in which the transaction is cast. However, for sales of tangible personal property that go into or become a part of public works owned by a governmental entity, other than the Federal Government, a governmental entity claiming the exemption provided under this subsection shall certify to the dealer and the contractor the entity's claim to the exemption by providing the dealer and the contractor a certificate of entitlement to the exemption for such sales. If the department later determines that such sales, in which the governmental entity provided the dealer and the contractor with a certificate of entitlement to the exemption, were not exempt sales to the governmental entity, the governmental entity shall be liable for any tax, penalty, and interest determined to be owed on such transactions. Possession by a dealer or contractor of a certificate of entitlement to the exemption from the governmental entity relieves the dealer from the responsibility of collecting tax on the sale and the contractor for any liability for tax, penalty, or interest related to the sale, and the department shall look solely to the governmental entity for recovery of tax, penalty, and interest if the department determines that the transaction was not an exempt sale to the governmental entity. The governmental entity may not transfer liability for such tax, penalty, and interest to another party by contract or agreement.

(c) The department shall adopt rules for determining whether a particular transaction is properly characterized as an exempt sale to a governmental entity or a taxable sale to a contractor which give special consideration to factors that govern the status of the tangible personal property before being affixed to real property. In developing such rules, assumption of the risk of damage or loss is of paramount consideration in the determination. The department shall also adopt, by rule, a certificate of entitlement to exemption for use as provided in paragraph (b). The certificate shall require the governmental entity to affirm that it will comply with the requirements of this subsection and the rules adopted under paragraph (b) in order to qualify for the exemption and that it acknowledges its liability for any tax, penalty, or interest later determined by the department to be owed on such transactions.

(2) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules under ss. 120.536(1) and 120.54(4), Florida Statutes, to implement the amendment to s. 212.08(6), Florida Statutes, made by this section. The emergency rules shall remain in effect for 6 months after adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

T I T L E A M E N D M E N T

Between lines 34 and 35, insert:
amending s. 212.08, F.S.; revising provisions excluding certain sales of tangible personal property to contractors from application of an exemption for sales made to governmental entities under certain circumstances; specifying additional requirements, procedures, and limitations; requiring the Department of Revenue to adopt rules for purposes of determining eligibility for the exemption and providing for a certificate of entitlement to the exemption; specifying certification requirements; authorizing the department to adopt emergency rules; providing for time of effect of emergency rules;

Rep. Bogdanoff moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 579—A bill to be entitled An act relating to the admissions tax; amending s. 212.04, F.S.; reenacting and amending an exemption of admission charges to certain events to continue the exemption; providing for retroactive operation; providing an effective date.

—was read the second time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1279—A bill to be entitled An act relating to assessment of property for back ad valorem taxes; amending s. 193.092, F.S.; providing for nonapplication of retroactive assessment and collection of taxes on certain property under certain circumstances; providing criteria; providing an effective date.

—was read the second time by title. On motion by Rep. Rivera, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 912

Representative Reagan in the Chair.

Yeas—111

Abruzzo	Fetterman	Llorente	Roberson, Y.
Adams	Fitzgerald	Long	Rogers
Ambler	Ford	Lopez-Cantera	Rouson
Anderson	Fresen	Mayfield	Sachs
Aubuchon	Frishe	McBurney	Sands
Bembry	Gaetz	McKeel	Saunders
Bernard	Galvano	Murzin	Schenck
Bogdanoff	Garcia	Nehr	Schultz
Bovo	Gibbons	Nelson	Schwartz
Boyd	Gibson	O'Toole	Skidmore
Brandenburg	Glorioso	Pafford	Stargel
Braynon	Gonzalez	Patronis	Steinberg
Brisé	Grady	Patterson	Taylor
Bullard	Grimsley	Plakon	Thompson, G.
Burgin	Hays	Planas	Thompson, N.
Bush	Heller	Poppell	Thurston
Cannon	Holder	Porth	Tobia
Carroll	Homan	Precourt	Troutman
Chestnut	Hooper	Proctor	Van Zant
Clarke-Reed	Horner	Rader	Waldman
Coley	Hudson	Randolph	Weatherford
Crisafulli	Hukill	Ray	Weinstein
Cruz	Jenne	Reagan	Williams, A.
Domino	Jones	Reed	Williams, T.
Dorworth	Kelly	Rehwinkel Vasilinda	Wood
Drake	Kiar	Rivera	Workman
Eisnaugle	Kriseman	Robaina	Zapata
Evers	Legg	Roberson, K.	

Nays—None

Votes after roll call:
Yeas—Cretul, Hasner, Kreegel, Snyder, Soto

So the bill passed by the required constitutional two-thirds vote of the membership and was immediately certified to the Senate.

CS/HB 7203—A bill to be entitled An act relating to community development districts; creating s. 212.0315, F.S.; authorizing certain community development districts to levy a tax on certain transactions; requiring approval by the district board of supervisors and district landowners; providing a procedure to enact the tax; providing for an effective date of the tax; providing for expiration of the tax under certain circumstances; providing definitions; specifying uses of tax proceeds; requiring prior approval by the district board for expenditures of tax proceeds; specifying tax charging and collection requirements; providing for exempting certain transactions; requiring local administration of the tax; requiring adoption of a resolution; specifying requirements for local administration; specifying that the tax constitutes a lien for certain purposes; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/HB 7215—A bill to be entitled An act relating to property taxation; amending s. 193.1554, F.S.; specifying an additional type of transfer under which no change of ownership of nonhomestead residential property occurs; amending s. 193.1555, F.S.; specifying an additional type of transfer under which no change of ownership of nonresidential property occurs; amending s. 193.1556, F.S.; providing that a recorded deed or other instrument serves as notice of a change of ownership; requiring the Department of Revenue to provide a form by which a property owner may notify a property appraiser of a change of ownership; specifying a form requirement; amending s. 193.461, F.S.; specifying application of a methodology for assessing certain agricultural production structures or improvements used for specified purposes; amending s. 196.061, F.S.; revising criteria for rental of a homestead as constituting abandonment of the homestead; providing a definition; amending s. 196.1995, F.S.; expanding the authority of the governing body of a county or municipality to renew economic development ad valorem tax exemptions for multiple 10-year periods upon approval by referendum for each renewal; authorizing persons to report to the property appraiser possible homestead exemption violations under certain circumstances; requiring the property appraiser to pay a specified reward to the reporting individual after recovering back taxes or penalties; providing a limitation; requiring funds for such reward to be taken from a specified source; limiting payment of a reward for each verified violation; requiring that the Department of Revenue create a form for reporting such violations and provide such form by specified means; requiring that each submitted form contain certain information; providing duties of the property appraiser; creating s. 193.1553, F.S.; providing a definition; requiring property appraisers to consider the existence of a cancer cluster in determining the assessed value of property; requiring the property appraiser to consider certain information in making such determinations; providing for future review and repeal; providing effective dates.

—was read the second time by title.

Representatives Flores and Kiar offered the following:

(Amendment Bar Code: 631037)

Amendment 1 (with title amendment)—Between lines 44 and 45, insert:

Section 1. Subsection (3) of section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption unless the provisions of subsection (8) apply.

(3)(a) Except as provided in this subsection or subsection (8), property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership. Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (1) and (2). For the purpose of this section, a change of ownership means any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person, except as provided in this subsection. There is no change of ownership if:

1.~~(a)~~ Subsequent to the change or transfer, the same person is entitled to the homestead exemption as was previously entitled and:

a.~~1.~~ The transfer of title is to correct an error;

b.~~2.~~ The transfer is between legal and equitable title or equitable and equitable title and no additional person applies for a homestead exemption on the property; or

c.~~3.~~ The change or transfer is by means of an instrument in which the owner is listed as both grantor and grantee of the real property and one or more other individuals are additionally named as grantee. However, if any individual who is additionally named as a grantee applies for a homestead exemption on the property, the application shall be considered a change of ownership;

2.~~(b)~~ Legal or equitable title is changed or transferred ~~The transfer is~~ between husband and wife, including a change or transfer to a surviving spouse or a transfer due to a dissolution of marriage;

3.~~(c)~~ The transfer occurs by operation of law to the surviving spouse or minor child or children under s. 732.401 ~~732.4015~~; or

4.~~(d)~~ Upon the death of the owner, the transfer is between the owner and another who is a permanent resident and is legally or naturally dependent upon the owner.

(b) For purposes of this subsection, a leasehold interest that qualifies for the homestead exemption under s. 196.031 or s. 196.041 shall be treated as an equitable interest in the property.

T I T L E A M E N D M E N T

Between lines 2 and 3, insert:

193.155, F.S.; revising criteria under which transfer of homestead property is not considered a change of ownership; amending s.

Rep. Flores moved the adoption of the amendment, which was adopted.

Representative Bogdanoff offered the following:

(Amendment Bar Code: 694019)

Amendment 2 (with title amendment)—Remove lines 144-164

Remove lines 185-193

T I T L E A M E N D M E N T

Remove lines 13-23 and insert:

requirement; amending s. 196.061, F.S.; revising criteria for rental of a homestead as constituting abandonment of the homestead; providing a definition; authorizing persons to report

Rep. Bogdanoff moved the adoption of the amendment, which was adopted.

Representative Rivera offered the following:

(Amendment Bar Code: 962615)

Amendment 3 (with title amendment)—Remove lines 194-223

T I T L E A M E N D M E N T

Remove lines 23-34 and insert:

referendum for each renewal;

Rep. Bogdanoff moved the adoption of the amendment, which was adopted. The vote was:

Session Vote Sequence: 913

Representative Reagan in the Chair.

Yeas—98

Abruzzo	Bogdanoff	Carroll	Dorworth
Adams	Bovo	Chestnut	Drake
Ambler	Boyd	Clarke-Reed	Eisnaugle
Anderson	Brandenburg	Coley	Evers
Aubuchon	Brisé	Cretul	Fetterman
Bembry	Burgin	Crisafulli	Fitzgerald
Bernard	Cannon	Domino	Flores

Ford	Hukill	Plakon	Skidmore
Frishe	Jenne	Planas	Stargel
Gaetz	Kelly	Poppell	Steinberg
Galvano	Kiar	Porth	Thompson, G.
Garcia	Legg	Precourt	Thompson, N.
Gibbons	Llorente	Proctor	Tobia
Gibson	Long	Ray	Troutman
Glorioso	Lopez-Cantera	Reagan	Van Zant
Gonzalez	Mayfield	Reed	Waldman
Grady	McBurney	Rivera	Weatherford
Grimsley	McKeel	Robaina	Weinstein
Hasner	Murzin	Roberson, K.	Williams, A.
Hays	Nehr	Rogers	Williams, T.
Holder	Nelson	Rouson	Wood
Homan	O'Toole	Sands	Workman
Hooper	Pafford	Saunders	Zapata
Horner	Patronis	Schenck	
Hudson	Patterson	Schultz	

Nays—9

Bullard	Kriseman	Roberson, Y.
Bush	Rader	Schwartz
Heller	Randolph	Taylor

Votes after roll call:
Yeas—Braynon, Cruz, Jones, Kreegel, Snyder
Nays—Soto
Nays to Yeas—Bush

Representative Bogdanoff offered the following:

(Amendment Bar Code: 462293)

Amendment 4 (with title amendment)—Between lines 244 and 245, insert:

Section 9. Subsections (1) and (2) of section 197.502, Florida Statutes, are amended to read:

197.502 Application for obtaining tax deed by holder of tax sale certificate; fees.—

(1) The holder of a ~~any~~ tax certificate, other than the county, at any time after 2 years have elapsed since April 1 of the year of issuance of the tax certificate and before the expiration of 7 years after ~~from~~ the date of issuance, may file the certificate and an application for a tax deed with the tax collector of the county where the property ~~lands~~ described in the certificate is ~~are~~ located. The application may be made on the entire parcel of property, or any part thereof which is capable of being readily separated from the whole but only after the separation has been received from the property appraiser. The tax collector may charge ~~shall be allowed~~ a tax deed application fee of $75, and may charge for reimbursement of fees charged by a vendor to the tax collector for providing an electronic tax deed application program or service. A tax collector offering electronic tax deed applications may require the holder of a tax certificate to use such electronic tax deed application services.

(2) A ~~Any~~ certificateholder, other than the county, who applies ~~makes application~~ for a tax deed shall pay the tax collector at the time of application the fees set forth in subsection (1); all amounts required for redemption or purchase of all other outstanding tax certificates, plus interest;~~,~~ any omitted taxes, plus interest;~~,~~ any delinquent taxes, plus interest;~~,~~ and current taxes, if due, covering the property ~~land~~.

T I T L E A M E N D M E N T

Remove line 40 and insert:
providing for future review and repeal; amending s. 197.502, F.S.; authorizing tax collectors to recover reimbursement of certain electronic tax deed application service vendor fees; authorizing certain tax collectors to require the use of electronic tax deed application services; providing

Rep. Bogdanoff moved the adoption of the amendment.

Representative Bogdanoff offered the following:

(Amendment Bar Code: 220419)

Amendment 1 to Amendment 4 (with title amendment)—Between lines 33 and 34, insert:

Section 10. Heavy equipment rental; tangible personal property tax recovery fee.—

(1) A person who engages in the business of renting heavy equipment under short-term rental agreements may collect a tangible personal property tax recovery fee on the rental of heavy equipment. The purpose of the fee is to allow the owner of the heavy equipment to recover the tangible personal property taxes imposed upon such equipment. The amount of the fee must be disclosed in the rental agreement. The rate of the recovery fee shall be the prior year's tax rate levied on the tangible personal property at the business location. The total recovery fee collected at each business location during a calendar year shall not exceed the total tangible personal property tax levied upon the location's tangible personal property in that calendar year. If a business location collects any amount in excess of the personal property taxes levied upon the tangible personal property located at the business location, the business location shall credit or refund the overage back to each customer.

(2) As used in this section, the term:

(a) "Heavy equipment property" means industrial or construction equipment and includes, but is not limited to, equipment described under North American Industry Classification System (NAICS) code 532412, as published in 2007 by the Office of Management and Budget, Executive Office of the President.

(b) "Short-term rental agreement" means only a lease or rental agreement entered into for a term of less than 365 days or an at-will contract that does not specify the length of time of the contract. The term does not include any extension or renewal of a lease contract with an original term of 1 year or more.

T I T L E A M E N D M E N T

Remove line 44 and insert:
electronic tax deed application services; authorizing persons who rent certain heavy equipment to collect a tangible personal property tax recovery fee on certain heavy equipment property rentals for certain purposes; requiring disclosure of the fee in the rental agreement; specifying a rate for the fee; limiting the total fee collected at each business location; providing for refund or credit of amounts collected in excess of tangible personal property taxes levied on such equipment; providing definitions; providing

Rep. Bogdanoff moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 4**, as amended, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 7179—A bill to be entitled An act relating to qualifying improvements to real property; creating s. 163.08, F.S.; providing legislative purposes and findings and intent; providing definitions; authorizing a local government to levy non-ad valorem assessments to fund certain improvements; authorizing a property owner to apply for funding and enter into a financing agreement with a local government to finance certain improvements; authorizing a local government to collect moneys for such purposes through non-ad valorem assessments; providing collection requirements; authorizing local governments to partner with other local governments to provide and finance certain improvements; authorizing a qualifying improvement program to be administered by a for-profit entity or not-for-profit organization under certain circumstances; authorizing a local government to incur debt payable from revenues received from the improved property; providing a financing restriction for local governments; requiring a financial agreement to be recorded in a county's public records within 5 days

after execution of the agreement; specifying responsibilities for local governments before entering into financing agreements; requiring qualifying improvements to be affixed to a building or facility on the property and be performed by a properly certified or registered contractor; excluding certain projects from financing agreement coverage; limiting the amount of the non-ad valorem assessment to a percentage of the just value of the property; providing exceptions; specifying information provision requirements for property owners before entering into financing agreements; prohibiting acceleration of a mortgage under certain circumstances; providing assessment disclosure requirements; specifying unenforceability of certain agreement provisions; providing construction preserving a local government's home rule authority; providing an effective date.

—was read the second time by title.

Representative Precourt offered the following:

(Amendment Bar Code: 731297)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 163.08, Florida Statutes, is created to read:

163.08 Supplemental authority for improvements to real property.—

(1)(a) In chapter 2008-227, Laws of Florida, the Legislature amended the energy goal of the state comprehensive plan to provide, in part, that the state shall reduce its energy requirements through enhanced conservation and efficiency measures in all end-use sectors and reduce atmospheric carbon dioxide by promoting an increased use of renewable energy resources. That act also declared it the public policy of the state to play a leading role in developing and instituting energy management programs that promote energy conservation, energy security, and the reduction of greenhouse gases. In addition to establishing policies to promote the use of renewable energy, the Legislature provided for a schedule of increases in energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction. In chapter 2008-191, Laws of Florida, the Legislature adopted new energy conservation and greenhouse gas reduction comprehensive planning requirements for local governments. In the 2008 general election, the voters of this state approved a constitutional amendment authorizing the Legislature, by general law, to prohibit consideration of any change or improvement made for the purpose of improving a property's resistance to wind damage or the installation of a renewable energy source device in the determination of the assessed value of residential real property.

(b) The Legislature finds that all energy-consuming-improved properties that are not using energy conservation strategies contribute to the burden affecting all improved property resulting from fossil fuel energy production. Improved property that has been retrofitted with energy-related qualifying improvements receives the special benefit of alleviating the property's burden from energy consumption. All improved properties not protected from wind damage by wind resistance qualifying improvements contribute to the burden affecting all improved property resulting from potential wind damage. Improved property that has been retrofitted with wind resistance qualifying improvements receives the special benefit of reducing the property's burden from potential wind damage. Further, the installation and operation of qualifying improvements not only benefit the affected properties for which the improvements are made, but also assist in fulfilling the goals of the state's energy and hurricane mitigation policies. In order to make qualifying improvements more affordable and assist property owners who wish to undertake such improvements, the Legislature finds that there is a compelling state interest in enabling property owners to voluntarily finance such improvements with local government assistance.

(c) The Legislature determines that the actions authorized under this section, including, but not limited to, the financing of qualifying improvements through the execution of financing agreements and the related imposition of voluntary assessments are reasonable and necessary to serve and achieve a compelling state interest and are necessary for the prosperity and welfare of the state and its property owners and inhabitants.

(2) As used in this section, the term:

(a) "Local government" means a county, a municipality, or a dependant special district as defined in s. 189.403.

(b) "Qualifying improvement" includes any:

1. Energy conservation and efficiency improvement, which is a measure to reduce consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; building modifications to increase the use of daylight; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; and installation of efficient lighting equipment.

2. Renewable energy improvement, which is the installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses one or more of the following fuels or energy sources: hydrogen, solar energy, geothermal energy, bioenergy, and wind energy.

3. Wind resistance improvement, which includes, but is not limited to:

a. Improving the strength of the roof deck attachment;

b. Creating a secondary water barrier to prevent water intrusion;

c. Installing wind-resistant shingles;

d. Installing gable-end bracing;

e. Reinforcing roof-to-wall connections;

f. Installing storm shutters; or

g. Installing opening protections.

(3) A local government may levy non-ad valorem assessments to fund qualifying improvements.

(4) Subject to local government ordinance or resolution, a property owner may apply to the local government for funding to finance a qualifying improvement and enter into a financing agreement with the local government. Costs incurred by the local government for such purpose may be collected as a non-ad valorem assessment. A non-ad valorem assessment shall be collected pursuant to s. 197.3632 and, notwithstanding s. 197.3632(8)(a), shall not be subject to discount for early payment. However, the notice and adoption requirements of s. 197.3632(4) do not apply if this section is used and complied with, and the initial resolution, publication of notice, and mailed notices to the property appraiser, tax collector, and Department of Revenue required by s. 197.3632(3)(a) may be provided on or before August 15 in conjunction with any non-ad valorem assessment authorized by this section, if the property appraiser, tax collector, and local government agree.

(5) Pursuant to this section or as otherwise provided by law or pursuant to a local government's home rule power, a local government may enter into a partnership with one or more local governments for the purpose of providing and financing qualifying improvements.

(6) A qualifying improvement program may be administered by a for-profit entity or a not-for-profit organization on behalf of and at the discretion of the local government.

(7) A local government may incur debt for the purpose of providing such improvements, payable from revenues received from the improved property, or any other available revenue source authorized by law.

(8) A local government may enter into a financing agreement only with the record owner of the affected property. Any financing agreement entered into pursuant to this section or a summary memorandum of such agreement shall be recorded in the public records of the county within which the property is located by the sponsoring unit of local government within 5 days after execution of the agreement. The recorded agreement shall provide constructive notice that the assessment to be levied on the property constitutes a lien of equal dignity to county taxes and assessments from the date of recordation.

(9) Before entering into a financing agreement, the local government shall reasonably determine that all property taxes and any other assessments levied on the same bill as property taxes are paid and have not been delinquent for the preceding 3 years or the property owner's period of ownership, whichever is less; that there are no involuntary liens, including, but not limited to, construction liens on the property; that no notices of default or other evidence of property-based debt delinquency have been recorded during the preceding 3 years or the property owner's period of ownership, whichever is less; and that the property owner is current on all mortgage debt on the property.

(10) A qualifying improvement shall be affixed to a building or facility that is part of the property and shall constitute an improvement to the building or facility or a fixture attached to the building or facility. An agreement between a local government and a qualifying property owner may not cover wind-resistance improvements in buildings or facilities under new construction or construction for which a certificate of occupancy or similar evidence of substantial completion of new construction or improvement has not been issued.

(11) Any work requiring a license under any applicable law to make a qualifying improvement shall be performed by a contractor properly certified or registered pursuant to part I or part II of chapter 489.

(12)(a) Without the consent of the holders or loan servicers of any mortgage encumbering or otherwise secured by the property, the total amount of any non-ad valorem assessment for a property under this section may not exceed 20 percent of the just value of the property as determined by the county property appraiser.

(b) Notwithstanding paragraph (a), a non-ad valorem assessment for a qualifying improvement defined in subparagraph (2)(b)1. or subparagraph (2)(b)2. that is supported by an energy audit is not subject to the limits in this subsection if the audit demonstrates that the annual energy savings from the qualified improvement equals or exceeds the annual repayment amount of the non-ad valorem assessment.

(13) At least 30 days before entering into a financing agreement, the property owner shall provide to the holders or loan servicers of any existing mortgages encumbering or otherwise secured by the property a notice of the owner's intent to enter into a financing agreement together with the maximum principal amount to be financed and the maximum annual assessment necessary to repay that amount. A verified copy or other proof of such notice shall be provided to the local government. A provision in any agreement between a mortgagee or other lienholder and a property owner, or otherwise now or hereafter binding upon a property owner, which allows for acceleration of payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into a financing agreement as provided for in this section is not enforceable. This subsection does not limit the authority of the holder or loan servicer to increase the required monthly escrow by an amount necessary to annually pay the qualifying improvement assessment.

(14) At or before the time a purchaser executes a contract for the sale and purchase of any property for which a non-ad valorem assessment has been levied under this section and has an unpaid balance due, the seller shall give the prospective purchaser a written disclosure statement in the following form, which shall be set forth in the contract or in a separate writing, in boldfaced and conspicuous type that is larger than the type in the remaining text of the contract or separate writing:

QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY, RENEWABLE ENERGY, OR WIND RESISTANCE.—The property being purchased is located within the jurisdiction of a local government that has placed an assessment on the property pursuant to s. 163.08, Florida Statutes. The assessment is for a qualifying improvement to the property relating to energy efficiency, renewable energy, or wind resistance, and is not based on the value of property. You are encouraged to contact the county property appraiser's office to learn more about this and other assessments that may be provided by law.

(15) A provision in any agreement between a local government and a public or private power or energy provider or other utility provider is not enforceable to limit or prohibit any local government from exercising its authority under this section.

(16) This section is additional and supplemental to county and municipal home rule authority and not in derogation of such authority or a limitation upon such authority.

Section 2. This act shall take effect upon becoming a law.

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to qualifying improvements to real property; creating s. 163.08, F.S.; providing legislative purposes and findings and intent; providing definitions; authorizing a local government to levy non-ad valorem assessments to fund certain improvements; authorizing a property owner to apply for funding and enter into a financing agreement with a local government to finance certain improvements; authorizing a local government to collect moneys for such purposes through non-ad valorem assessments; providing collection requirements; authorizing local governments to partner with other local governments to provide and finance certain improvements; authorizing a qualifying improvement program to be administered by a for-profit entity or not-for-profit organization under certain circumstances; authorizing a local government to incur debt payable from revenues received from the improved property; providing a financing restriction for local governments; requiring a financial agreement to be recorded in a county's public records within 5 days after execution of the agreement; specifying responsibilities for local governments before entering into financing agreements; requiring qualifying improvements to be affixed to a building or facility on the property and be performed by a properly certified or registered contractor; excluding certain projects from financing agreement coverage; limiting the amount of the non-ad valorem assessment to a percentage of the just value of the property; providing exceptions; specifying information provision requirements for property owners before entering into financing agreements; prohibiting acceleration of a mortgage under certain circumstances; providing assessment disclosure requirements; specifying unenforceability of certain agreement provisions; providing construction preserving a local government's home rule authority; providing an effective date.

Rep. Precourt moved the adoption of the amendment.

Representative Hudson offered the following:

(Amendment Bar Code: 592311)

Amendment 1 to Amendment 1—Remove lines 194-195

Rep. Hudson moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 281—A bill to be entitled An act relating to communications services taxes; amending s. 202.29, F.S.; authorizing dealers to report a credit for bad debt by netting the credit against the tax due; authorizing dealers to use a proportionate allocation method or other reasonable method in determining the amount of bad debt attributable to the state or local jurisdiction; providing for retroactive operation; specifying that the act is remedial in nature and not a basis for certain refunds of tax; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/CS/HB 1241—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 125.0104, F.S.; providing definitions relating to the tourist development tax; providing separate statement of tax requirements; providing an exception; providing construction; amending s. 125.0108, F.S.; providing definitions relating to the tourist impact tax; providing separate statement of tax requirements; providing an exception; providing construction; amending s. 212.03, F.S.; providing definitions relating to the transient rentals tax; revising requirements for charging, collecting, and remitting the tax; providing requirements for separate

statement of the tax on rental documents; amending s. 212.0305, F.S.; providing definitions relating to the convention development tax; revising requirements for charging, collecting, and remitting the tax; providing requirements for separate statement of the tax on rental documents; amending s. 213.30, F.S.; authorizing the Department of Revenue to compensate county governments for providing certain information to the department; specifying a payment amount; amending ss. 1 and 3, ch. 67-930, Laws of Florida, as amended; providing definitions relating to a municipal resort tax; providing separate statement of tax requirements; providing an exception; providing construction; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/CS/HB 163—A bill to be entitled An act relating to prepaid wireless telecommunications service; amending s. 365.172, F.S.; removing provisions for a study of the feasibility of collecting an E911 fee on the sale of prepaid wireless telecommunications service; providing for assessment or collection of the fee after a certain date; amending s. 365.173, F.S.; revising a limitation on the amount of funds received by a county from the E911 fee which may be carried forward to the following year; providing an effective date.

—was read the second time by title.

Representative Gibbons offered the following:

(Amendment Bar Code: 201853)

Amendment 1 (with title amendment)—Remove lines 33-42 and insert:

a. No E911 fee shall be collected from the sale of prepaid wireless service prior to July 1, 2013. ~~The board shall conduct a study to determine whether it is feasible to collect E911 fees from the sale of prepaid wireless service. If, based on the findings of the study, the board determines that a fee should not be collected from the sale of prepaid wireless service, it shall report its findings and recommendation to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2008. If the board determines that a fee should be collected from the sale of prepaid wireless service, the board shall collect the fee beginning July 1, 2009.~~

T I T L E A M E N D M E N T

Remove line 6 and insert:
service; prohibiting collection of the fee until

Rep. Gibbons moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 927—A bill to be entitled An act relating to homestead assessments; amending s. 193.155, F.S.; revising criteria under which transfer of homestead property is not considered a change of ownership; providing construction; providing an effective date.

—was read the second time by title.

Representative Kiar offered the following:

(Amendment Bar Code: 435749)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (3) of section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption unless the provisions of subsection (8) apply.

(3)(a) Except as provided in this subsection or subsection (8), property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership. Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (1) and (2). For the purpose of this section, a change of ownership means any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person, except as provided in this subsection. There is no change of ownership if:

1.~~(a)~~ Subsequent to the change or transfer, the same person is entitled to the homestead exemption as was previously entitled and:

a.~~1.~~ The transfer of title is to correct an error;

b.~~2.~~ The transfer is between legal and equitable title or equitable and equitable title and no additional person applies for a homestead exemption on the property; or

c.~~3.~~ The change or transfer is by means of an instrument in which the owner is listed as both grantor and grantee of the real property and one or more other individuals are additionally named as grantee. However, if any individual who is additionally named as a grantee applies for a homestead exemption on the property, the application shall be considered a change of ownership;

2.~~(b)~~ Legal or equitable title is changed or transferred ~~The transfer is~~ between husband and wife, including a change or transfer to a surviving spouse or a transfer due to a dissolution of marriage;

3.~~(c)~~ The transfer occurs by operation of law to the surviving spouse or minor child or children under s. 732.401 ~~s. 732.4015~~; or

4.~~(d)~~ Upon the death of the owner, the transfer is between the owner and another who is a permanent resident and is legally or naturally dependent upon the owner.

(b) For purposes of this subsection, a leasehold interest that qualifies for the homestead exemption under s. 196.031 or s. 196.041 shall be treated as an equitable interest in the property.

Section 2. Subsection (5) of section 193.1554, Florida Statutes, is amended to read:

193.1554 Assessment of nonhomestead residential property.—

(5) Except as provided in this subsection, property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership or control. Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (3) and (4). For purpose of this section, a change of ownership or control means any sale, foreclosure, transfer of legal title or beneficial title in equity to any person, or the cumulative transfer of control or of more than 50 percent of the ownership of the legal entity that owned the property when it was most recently assessed at just value, except as provided in this subsection. There is no change of ownership if:

(a) The transfer of title is to correct an error.~~;~~

(b) The transfer is between legal and equitable title.~~; or~~

(c) The transfer is between husband and wife, including a transfer to a surviving spouse or a transfer due to a dissolution of marriage.

(d) For a publicly traded company, the cumulative transfer of more than 50 percent of the ownership of the entity that owns the property occurs through the buying and selling of shares of the company on a public exchange. This exception does not apply to a transfer made through a merger with or an acquisition by another company, including an acquisition by acquiring outstanding shares of the company.

Section 3. Subsection (5) of section 193.1555, Florida Statutes, is amended to read:

193.1555 Assessment of certain residential and nonresidential real property.—

(5) Except as provided in this subsection, property assessed under this section shall be assessed at just value as of January 1 of the year following a qualifying improvement or change of ownership or control. Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (3) and (4). For purpose of this section:

(a) A qualifying improvement means any substantially completed improvement that increases the just value of the property by at least 25 percent.

(b) A change of ownership or control means any sale, foreclosure, transfer of legal title or beneficial title in equity to any person, or the cumulative

transfer of control or of more than 50 percent of the ownership of the legal entity that owned the property when it was most recently assessed at just value, except as provided in this subsection. There is no change of ownership if:

1. The transfer of title is to correct an error.~~; or~~

2. The transfer is between legal and equitable title.

3. For a publicly traded company, the cumulative transfer of more than 50 percent of the ownership of the entity that owns the property occurs through the buying and selling of shares of the company on a public exchange. This exception does not apply to a transfer made through a merger with or acquisition by another company, including acquisition by acquiring outstanding shares of the company.

Section 4. Section 193.1556, Florida Statutes, is amended to read:

193.1556 Notice of change of ownership or control required.—

(1) Any person or entity that owns property assessed under s. 193.1554 or s. 193.1555 must notify the property appraiser promptly of any change of ownership or control as defined in ss. 193.1554(5) and 193.1555(5). If the change of ownership is recorded by a deed or other instrument in the public records of the county where the property is located, the recorded deed or other instrument shall serve as notice to the property appraiser. If any property owner fails to so notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner's property was not entitled to assessment under s. 193.1554 or s. 193.1555, the owner of the property is subject to the taxes avoided as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the taxes avoided. It is the duty of the property appraiser making such determination to record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. Such property is subject to the payment of all taxes and penalties. Such lien when filed shall attach to any property, identified in the notice of tax lien, owned by the person or entity that illegally or improperly was assessed under s. 193.1554 or s. 193.1555. If such person or entity no longer owns property in that county, but owns property in some other county or counties in the state, it shall be the duty of the property appraiser to record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity in such county or counties, and it becomes a lien against such property in such county or counties.

(2) The Department of Revenue shall provide a form by which a property owner may provide notice to all property appraisers of a change of ownership or control. The form must allow the property owner to list all property that it owns or controls in this state for which a change of ownership or control as defined in s. 193.1554(5) or s. 193.1555(5) has occurred, but has not been noticed previously to property appraisers. Providing notice on this form constitutes compliance with the notification requirements in this section.

Section 5. This act shall take effect July 1, 2010.

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to real property; amending s. 193.155, F.S.; revising the criteria under which a transfer of homestead property is not considered a change of ownership; providing for such provisions to apply to a leasehold interest under certain circumstances; amending s. 193.1554, F.S.; providing that a change in the ownership of nonhomestead residential property is not deemed to have occurred due to certain transactions involving a publicly traded company; amending s. 193.1555, F.S.; providing that a change in the ownership of nonresidential property is not deemed to have occurred due to certain transactions involving a publicly traded company; amending s. 193.1556, F.S.; providing that a recorded deed or other instrument shall serve as notice of a change of ownership; requiring the Department of Revenue to provide a form by which a property owner may notify any property appraiser of a change of ownership or control; providing an effective date.

Rep. Kiar moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS/CS/CS/HB 663—A bill to be entitled An act relating to building safety; amending s. 196.031, F.S.; specifying an additional condition that constitutes an abandonment of homestead property for homestead exemption purposes; amending s. 399.02, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to have access to places in which a conveyance and equipment are located; authorizing the division to grant variances from certain rules for undue hardship; prohibiting the enforcement of Phase II Firefighters' Service on certain elevators for a specified period; amending s. 399.15, F.S.; providing an alternative method to allow access to regional emergency elevators; providing for a uniform lock box; providing for a master key; providing the Division of State Fire Marshal with enforcement authority; creating s. 455.2122, F.S.; authorizing distance learning courses as an alternative to classroom instruction for certain licenses; prohibiting the department or regulatory board from requiring centralized licensing examinations for certain licenses; creating s. 455.2123, F.S.; authorizing distance learning courses as an alternative to classroom instruction for certain licenses; prohibiting the department or a regulatory board from requiring centralized licensing examinations for certain licenses; amending s. 468.631, F.S.; revising the amount of a surcharge and imposing the surcharge on certain building permits; requiring the unit of government collecting the surcharge to remit the funds to the Department of Business and Professional Regulation; requiring the unit of government collecting the surcharge to retain a portion of the funds to fund certain activities of building departments; requiring that the remaining funds from the surcharge be used to fund the Florida Homeowners' Construction Recovery Fund and the Florida Building Code Administrators and Inspectors Board; amending s. 468.83, F.S.; providing for the creation of the home inspection services licensing program within the Department of Business and Professional Regulation; amending s. 468.8311, F.S.; revising the term "home inspection services"; amending s. 468.8312, F.S.; deleting a fee provision for certain certificates of authorization; amending s. 468.8313, F.S.; revising examination requirements for licensure as a home inspector; providing fingerprinting requirements and procedures for license applications; providing that the applicant is responsible for certain costs; amending s. 468.8318, F.S.; revising requirements and procedures for certification of corporations and partnerships offering home inspection services to the public; deleting provisions relating to required certificates of authorization; amending s. 468.8319, F.S.; delaying the enforcement of a prohibition against performing certain activities by a person who is not licensed as a home inspector; revising certain prohibitions with respect to providers of home inspection services; amending s. 468.832, F.S.; providing an additional ground for taking certain disciplinary actions; amending s. 468.8324, F.S.; specifying additional requirements for licensure as a home inspector; creating s. 468.8325, F.S.; requiring the department to adopt rules to administer part XV of ch. 468, F.S., relating to home inspectors; amending s. 468.84, F.S.; providing for the creation of the mold-related services licensing program within the Department of Business and Professional Regulation; amending s. 468.8412, F.S.; deleting a fee provision for certain biennial certificates of authorization renewal; amending s. 468.8413, F.S.; revising examination requirements and procedures for licensure as a mold assessor or mold remediator; providing fingerprinting requirements and procedures for license applications; providing that the applicant is responsible for certain costs; amending s. 468.8414, F.S.; specifying an additional applicant qualification criterion for licensure by endorsement; amending s. 468.8418, F.S.; revising requirements and procedures for certification of corporations and partnerships offering mold assessment or mold remediation services to the public; deleting provisions relating to required certificates of authorization; amending s. 468.8419, F.S.; delaying the enforcement of a prohibition against performing certain activities by a person who is not licensed as a mold assessor; amending s. 468.842, F.S.; providing an additional ground for taking certain disciplinary actions; amending s. 468.8421, F.S.; specifying an insurance coverage requirement for mold assessors; amending s. 468.8423, F.S.; specifying additional requirements for licensure as a mold assessor or mold remediator; creating s. 468.8424, F.S.;

requiring the Department of Business and Professional Regulation to adopt rules to administer part XVI of ch. 468, F.S., relating to mold-related services; amending s. 489.103, F.S.; conforming a cross-reference; amending s. 553.37, F.S.; authorizing manufacturers to pay inspection fees directly to the provider of inspection services; providing requirements for rules of the Department of Business and Professional Regulation regarding the schedule of fees; authorizing the department to enter into contracts for the performance of certain administrative duties; revising inspection requirements for certain custom manufactured buildings; amending s. 553.375, F.S.; revising the requirement for recertification of manufactured buildings prior to relocation; amending s. 553.512, F.S.; requiring the Florida Building Commission to establish by rule a fee for certain waiver requests; amending s. 553.721, F.S.; revising the amount of a surcharge and imposing the surcharge on certain building permits; requiring the unit of government collecting the surcharge to electronically remit the funds to the Department of Community Affairs; requiring the unit of government collecting the surcharge to retain a portion of the funds to fund certain activities of building departments; deleting obsolete language; amending s. 553.73, F.S.; conforming cross-references; authorizing counties and municipalities to adopt by ordinance administrative or technical amendments to the Florida Building Code for certain flood-related purposes; specifying requirements and procedures; revising foundation code adoption requirements; authorizing the Florida Building Commission to approve amendments relating to equivalency of standards; exempting certain mausoleums from the requirements of the Florida Building Code; exempting certain temporary housing provided by the Department of Corrections from the requirements of the Florida Building Code; restricting the code, code enforcement agencies, and local governments from imposing requirements on certain mechanical equipment on roofs; amending s. 553.74, F.S.; specifying absence of impermissible conflicts of interest for certain committee or workgroup members while representing clients under certain circumstances; specifying certain prohibited activities for such members; amending s. 553.76, F.S.; authorizing the Florida Building Commission to adopt rules related to consensus-building decisionmaking; amending s. 553.775, F.S.; conforming a cross-reference; authorizing the commission to charge a fee for filing certain requests and for nonbinding interpretations; limiting fees for nonbinding interpretations; amending s. 553.79, F.S.; requiring certain inspection services to be performed under the alternative plans review and inspection process or by a local governmental entity; reenacting s. 553.80(1), F.S., relating to the enforcement of the Florida Building Code, to incorporate the amendments made to s. 553.79, F.S., in a reference thereto; amending s. 553.80, F.S.; specifying nonapplicability of certain exemptions from the Florida Building Code granted by certain enforcement entities under certain circumstances; revising requirements for review of facility plans and construction surveyed for certain hospitals and health care facilities; amending s. 553.841, F.S.; deleting provisions requiring that the Department of Community Affairs maintain, update, develop, or cause to be developed a core curriculum for persons who enforce the Florida Building Code; amending s. 553.842, F.S.; authorizing rules requiring the payment of product evaluation fees directly to the administrator of the product evaluation and approval system; specifying the use of such fees; authorizing the Florida Building Commission to provide by rule for editorial revisions to certain approvals and charge certain fees; providing requirements for the approval of applications for state approval of a product; providing for certain approved products to be immediately added to the list of state-approved products; requiring that the commission's oversight committee review approved products; revising the list of approved evaluation entities; deleting obsolete provisions governing evaluation entities; amending s. 553.844, F.S.; providing an exemption from the requirements regarding roof and opening protections for certain exposed mechanical equipment or appliances; providing for future expiration; amending s. 553.885, F.S.; revising requirements for carbon monoxide alarms; providing an exception for buildings undergoing alterations or repairs; defining the term "addition" as it relates to the requirement of a carbon monoxide alarm; amending s. 553.9061, F.S.; revising the energy-efficiency performance options and elements identified by the commission for purposes of meeting certain goals; amending s. 553.909, F.S.; revising a compliance criterion for certain swimming pool pumps or water heaters; revising requirements for residential swimming pool pumps and pump motors; amending s. 553.912, F.S.; providing requirements for replacement air-conditioning systems; amending s. 627.711, F.S.; conforming provisions to changes made by the act in which core curriculum courses relating to the Florida Building Code are deleted; revising the list of persons qualified to sign certain mitigation verification forms for certain purposes; amending s. 633.021, F.S.; providing additional definitions for fire equipment dealers; revising the definition of the term "preengineered systems"; amending s. 633.0215, F.S.; providing guidelines for the State Fire Marshal to apply when issuing an expedited declaratory statement; requiring that the State Fire Marshal issue an expedited declaratory statement under certain circumstances; providing requirements for a petition requesting an expedited declaratory statement; exempting certain condominiums from installing manual fire alarm systems; amending s. 633.0245, F.S.; conforming cross-references; amending s. 633.025, F.S.; prohibiting requiring property owners to install fire sprinklers in certain residential property; amending s. 633.026, F.S.; providing legislative intent; revising authority of the State Fire Marshal to contract with and refer interpretive issues to certain entities; providing for the establishment of the Fire Code Interpretation Committee; providing for the membership of the committee and requirements for membership; requiring that nonbinding interpretations of the Florida Fire Prevention Code be issued within a specified period after a request is received; providing for the waiver of such requirement under certain conditions; requiring that the Division of State Fire Marshal charge a fee for nonbinding interpretations; providing that fees may be paid directly to a contract provider; providing requirements for requesting a nonbinding interpretation; requiring that the Division of State Fire Marshal develop a form for submitting a petition for a nonbinding interpretation; providing for a formal interpretation by the State Fire Marshal; requiring that an interpretation of the Florida Fire Prevention Code be published on the division's website and in the Florida Administrative Weekly; amending s. 626.061, F.S.; authorizing certain fire equipment dealer licensees to maintain inactive license status under certain circumstances; providing requirements; providing for a renewal fee; revising certain continuing education requirements; revising an applicant licensure qualification requirement; amending s. 633.081, F.S.; requiring that the State Fire Marshal inspect a building when the State Fire Marshal, rather than the Department of Financial Services, has cause to believe a violation has occurred; providing exceptions for requirements that certain firesafety inspections be conducted by firesafety inspectors; requiring that the Division of State Fire Marshal and the Florida Building Code Administrators and Inspectors Board enter into a reciprocity agreement for purposes of recertifying building code inspectors, plan inspectors, building code administrators, and firesafety inspectors; requiring that the State Fire Marshal develop by rule an advanced training and certification program for firesafety inspectors who have fire code management responsibilities; requiring that the program be consistent with certain standards and establish minimum training, education, and experience levels for such firesafety inspectors; amending s. 633.082, F.S.; authorizing alternative inspection procedures for certain fire hydrants; requiring periodic testing or operation of certain equipment; providing that nonmandated sprinkler systems may not be required to be removed; amending s. 633.352, F.S.; providing an exception to requirements for recertification as a firefighter; amending s. 633.521, F.S.; revising requirements for certification as a fire protection system contractor; revising the prerequisites for taking the certification examination; authorizing the State Fire Marshal to accept more than one source of professional certification; revising legislative intent; amending s. 633.524, F.S.; authorizing the State Fire Marshal to enter into contracts for examination services; providing for the direct payment of examination fees to contract providers; amending s. 633.537, F.S.; revising the continuing education requirements for certain permitholders; amending 633.72, F.S.; revising the terms of service for members of the Fire Code Advisory Council; repealing s. 718.113(6), F.S., relating to requirements for 5-year inspections of certain condominium improvements; directing the Florida Building Commission to conform provisions of the Florida Building Code with revisions made by the act relating to the operation of elevators; requiring the Department of Management Services to consider the energy efficiency of building materials used for certain purposes in state buildings or facilities; requiring the department to adopt rules relating to installing high-

efficiency replacement lamps in buildings owned by a state agency; providing an effective date.

—was read the second time by title.

Representative Aubuchon offered the following:

(Amendment Bar Code: 758697)

Amendment 1 (with title amendment)—Remove line 369 and insert:
Section 6. Effective October 1, 2010, subsection (1) of section 468.631, Florida
Remove line 2670 and insert:
Section 61. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2010.

T I T L E A M E N D M E N T

Remove lines 270-271 and insert:
in buildings owned by a state agency; providing effective dates.

Rep. Aubuchon moved the adoption of the amendment, which was adopted.

Representative Aubuchon offered the following:

(Amendment Bar Code: 557129)

Amendment 2 (with title amendment)—Between lines 912 and 913, insert:
Section 27. Paragraph (c) of subsection (1) of section 489.5335, Florida Statutes, is amended to read:
489.5335 Journeyman; reciprocity; standards.—
(1) An individual who holds a valid, active journeyman license in the electrical trade issued by any county or municipality in this state may work as a journeyman in any other county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:
(c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s. 553.841, specific to the discipline, ~~and successfully completed the program's core curriculum courses or passed an equivalency test in lieu of taking the core curriculum courses and provided proof of completion of such curriculum courses or examination and obtained a certificate from the board pursuant to this part~~ or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or coursework within 6 months after such certification; and

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T I T L E A M E N D M E N T

Remove line 91 and insert:
reference; amending s. 489.5335, F.S.; revising education requirements for electrical trade journeyman eligibility to work in certain localities; amending s. 553.37, F.S.; authorizing

Rep. Aubuchon moved the adoption of the amendment, which was adopted.

Representative Aubuchon offered the following:

(Amendment Bar Code: 479759)

Amendment 3 (with title amendment)—Remove line 1003 and insert:
Section 30. Effective October 1, 2010, section 553.721, Florida Statutes, is amended
Remove line 2670 and insert:
Section 61. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2010.

T I T L E A M E N D M E N T

Remove lines 270-271 and insert:
in buildings owned by a state agency; providing effective dates.

Rep. Aubuchon moved the adoption of the amendment, which was adopted.

Representative Aubuchon offered the following:

(Amendment Bar Code: 609651)

Amendment 4 (title amendment)—Remove line 1033 and insert:
surcharge shall <u>be used exclusively for the duties of the Florida Building Commission and the Department of Community Affairs under this chapter and shall</u> not be used to fund research on techniques for

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T I T L E A M E N D M E N T

Remove line 110 and insert:
activities of building departments; revising requirements for use of funds collected from the surcharge; deleting obsolete

Rep. Aubuchon moved the adoption of the amendment, which was adopted.

Representative Aubuchon offered the following:

(Amendment Bar Code: 518253)

Amendment 5 (with directory and title amendments)—Between lines 1360 and 1361, insert:
<u>(16) The Florida Building Code must require that the illumination in classroom units be designed to provide and maintain an average of 40 foot-candles of light at each desktop. Public educational facilities must consider using light-emitting diode lighting before considering other lighting sources.</u>

D I R E C T O R Y A M E N D M E N T

Remove line 1053 and insert:
that section are amended, and subsections (15) and (16) are added to that

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T I T L E A M E N D M E N T

Between lines 124 and 125, insert:
providing Florida Building Code requirements for classroom lighting;

Rep. Aubuchon moved the adoption of the amendment, which was adopted.

Representative Schenck offered the following:

(Amendment Bar Code: 948091)

Amendment 6 (with directory and title amendments)—Between lines 1360 and 1361, insert:
<u>(16) The provisions of section R313 of the most current version of the International Residential Code relating to mandated fire sprinklers may not be incorporated into the Florida Building Code as adopted by the Florida Building Commission and may not be adopted as a local amendment to the Florida Building Code. This subsection does not apply to a local government that has a lawfully adopted ordinance relating to fire sprinklers which has been in effect since January 1, 2010.</u>

D I R E C T O R Y A M E N D M E N T

Remove line 1053 and insert:
that section are amended, and subsections (15) and (16) are added to that

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T I T L E A M E N D M E N T

Between lines 124 and 125, insert:

prohibiting incorporation into the Florida Building Code of certain mandatory residential fire sprinkler provisions of the International Residential Code; providing an exception;

Rep. Schenck moved the adoption of the amendment, which was adopted.

On motion by Rep. Aubuchon, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Aubuchon offered the following:

(Amendment Bar Code: 229015)

Amendment 7 (with title amendment)—Remove lines 1862-1890 and insert:

Section 44. Section 627.711, Florida Statutes, is amended to read:

627.711 Notice of premium discounts for hurricane loss mitigation; uniform mitigation verification inspection form.—

(1) Using a form prescribed by the Office of Insurance Regulation, the insurer shall clearly notify the applicant or policyholder of any personal lines residential property insurance policy, at the time of the issuance of the policy and at each renewal, of the availability and the range of each premium discount, credit, other rate differential, or reduction in deductibles, and combinations of discounts, credits, rate differentials, or reductions in deductibles, for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm can be or have been installed or implemented. The prescribed form shall describe generally what actions the policyholders may be able to take to reduce their windstorm premium. The prescribed form and a list of such ranges approved by the office for each insurer licensed in the state and providing such discounts, credits, other rate differentials, or reductions in deductibles for properties described in this subsection shall be available for electronic viewing and download from the Department of Financial Services' or the Office of Insurance Regulation's Internet website. The Financial Services Commission may adopt rules to implement this subsection.

(2)(a) ~~By July 1, 2007,~~ The Financial Services Commission shall develop by rule a uniform mitigation verification inspection form that shall be used by all insurers when submitted by policyholders for the purpose of factoring discounts for wind insurance. In developing the form, the commission shall seek input from insurance, construction, and building code representatives. Further, the commission shall provide guidance as to the length of time the inspection results are valid. An insurer shall accept as valid a uniform mitigation verification form ~~certified by the Department of Financial Services~~ or signed by the following authorized mitigation inspectors:

1.~~(a)~~ A home inspector licensed under s. 468.8314 who has completed at least 3 hours of hurricane mitigation training which includes hurricane mitigation techniques and compliance with the uniform mitigation verification form and completion of a proficiency exam. Thereafter, home inspectors licensed under s. 468.8314, must complete at least 2 hours of continuing education, as part of the existing licensure renewal requirements each year, related to mitigation inspection and the uniform mitigation form ~~hurricane mitigation inspector certified by the My Safe Florida Home program~~;

2.~~(b)~~ A building code inspector certified under s. 468.607;

3.~~(c)~~ A general, building, or residential contractor licensed under s. 489.111;

4.~~(d)~~ A professional engineer licensed under s. 471.015 ~~who has passed the appropriate equivalency test of the building code training program as required by s. 553.841~~;

5.~~(e)~~ A professional architect licensed under s. 481.213; or

6.~~(f)~~ Any other individual or entity recognized by the insurer as possessing the necessary qualifications to properly complete a uniform mitigation verification form.

(b) An insurer may, but is not required to, accept a form from any other person possessing qualifications and experience acceptable to the insurer.

(3) A person who is authorized to sign a mitigation verification form must inspect the structures referenced by the form personally, not through employees or other persons, and must certify or attest to personal inspection of the structures referenced by the form. However, licensees under s. 489.111, may authorize a direct employee, who is not an independent contractor, and who possesses the requisite skill, knowledge and experience to conduct a mitigation verification inspection. Insurers shall have the right to request and obtain information from the authorized mitigation inspector under s. 489.111, regarding any authorized employee's qualifications prior to accepting a mitigation verification form performed by an employee that is not licensed under s. 489.111.

(4) An authorized mitigation inspector that signs a uniform mitigation form, and a direct employee authorized to conduct mitigation verification inspections under paragraph (3), may not commit misconduct in performing hurricane mitigation inspections or in completing a uniform mitigation form that causes financial harm to a customer or their insurer; or that jeopardizes a customer's health and safety. Misconduct occurs when an authorized mitigation inspector signs a uniform mitigation verification form that:

(a) Falsely indicates that he or she personally inspected the structures referenced by the form;

(b) Falsely indicates the existence of a feature which entitles an insured to a mitigation discount which the inspector knows does not exist or did not personally inspect;

(c) Contains erroneous information due to the gross negligence of the inspector; or

(d) Contains a pattern of demonstrably false information regarding the existence of mitigation features that could give an insured a false evaluation of the ability of the structure to withstand major damage from a hurricane endangering the safety of the insured's life and property.

(5) The licensing board of an authorized mitigation inspector that violates subsection (4) may commence disciplinary proceedings and impose administrative fines and other sanctions authorized under the authorized mitigation inspector's licensing act. Authorized mitigation inspectors licensed under s. 489.111, shall be directly liable for the acts of employees that violate subsection (4) as if the authorized mitigation inspector personally performed the inspection.

(6) An insurer, person, or other entity that obtains evidence of fraud or evidence that an authorized mitigation inspector or an employee authorized to conduct mitigation verification inspections under paragraph (3), has made false statements in the completion of a mitigation inspection form shall file a report with the Division of Insurance Fraud, along with all of the evidence in its possession that supports the allegation of fraud or falsity. An insurer, person, or other entity making the report shall be immune from liability in accordance with s. 626.989(4), for any statements made in the report, during the investigation, or in connection with the report. The Division of Insurance Fraud shall issue an investigative report if it finds that probable cause exists to believe that the authorized mitigation inspector, or an employee authorized to conduct mitigation verification inspections under paragraph (3), made intentionally false or fraudulent statements in the inspection form. Upon conclusion of the investigation and a finding of probable cause that a violation has occurred, the Division of Insurance Fraud shall send a copy of the investigative report to the office and a copy to the agency responsible for the professional licensure of the authorized mitigation inspector, whether or not a prosecutor takes action based upon the report.

(7)~~(3)~~ An individual or entity who knowingly provides or utters a false or fraudulent mitigation verification form with the intent to obtain or receive a discount on an insurance premium to which the individual or entity is not entitled commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) At its expense, the insurer may require that any uniform mitigation verification form provided by an authorized mitigation inspector or inspection company be independently verified by an inspector, inspection company or an independent third-party quality assurance provider which does possess a quality assurance program prior to accepting the uniform mitigation verification form as valid.

T I T L E A M E N D M E N T

Remove line 185 and insert:
purposes; authorizing insurers to accept forms from certain other persons; providing requirements for persons authorized to sign mitigation forms; prohibiting misconduct in performing hurricane mitigation inspection or completing uniform mitigation forms causing certain harm; specifying what constitutes misconduct; authorizing certain licensing boards to commence disciplinary proceedings and impose administrative fines and sanctions; providing for liability of mitigation inspectors; requiring certain entities to file reports of evidence of fraud; providing for immunity from liability for reporting fraud; providing for investigative reports from the Division of Insurance Fraud; providing penalties; authorizing insurers to require independent verification of uniform mitigation verification forms; amending s. 633.021, F.S.; providing additional

Rep. Aubuchon moved the adoption of the amendment.

On motion by Rep. Aubuchon, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative Aubuchon offered the following:

(Amendment Bar Code: 378751)

Amendment 1 to Amendment 7—Remove line 71 and insert:
referenced by the form. However, licensees under s. 471.015 or s. 489.111 may
Remove line 79 and insert:
employee that is not licensed under s. 471.015 or s. 489.111.
Remove line 105 and insert:
act. Authorized mitigation inspectors licensed under s. 471.015 or s. 489.111

Rep. Aubuchon moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 7**, as amended, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 219—A bill to be entitled An act relating to immigration; creating s. 287.0575, F.S.; providing definitions; prohibiting agencies from entering into a contract for contractual services with contractors not registered and participating in a federal work authorization program by a specified date; providing procedures and requirements with respect to the registration of contractors and subcontractors; providing for enforcement; providing a schedule for phased compliance; requiring the Department of Management Services to promulgate rules; creating s. 337.163, F.S.; providing definitions; prohibiting the Department of Transportation from entering into a contract for contractual services with contractors not registered and participating in a federal work authorization program by a specified date; providing procedures and requirements with respect to the registration of contractors and subcontractors; providing for enforcement; providing a schedule for phased compliance; requiring the department to promulgate rules; providing an effective date.

—was read the second time by title.

Representative Adams offered the following:

(Amendment Bar Code: 553095)

Amendment 1 (with title amendment)—Between lines 67 and 68, insert:
(8) A contractor or subcontractor registered with and participating in a federal work authorization program may not be held civilly liable in a cause of action for the contractor's or subcontractor's:
(a) Unlawful hiring of an unauthorized alien, as defined in 8 U.S.C. s. 1324a, if the information obtained in accordance with the status verification system indicated that the employee's federal legal status allowed the contractor or subcontractor to hire the employee; or
(b) Refusal to hire an individual if the information obtained in accordance with the status verification system indicated that the individual's federal legal status was that of an unauthorized alien as defined in 8 U.S.C. s. 1324a.

T I T L E A M E N D M E N T

Remove line 11 and insert:
Services to promulgate rules; specifying causes of action for which a contractor or subcontractor registered with and participating in a federal work authorization program may not be held civilly liable; creating s. 337.163, F.S.;

Rep. Adams moved the adoption of the amendment, which was adopted.

Representative Adams offered the following:

(Amendment Bar Code: 182263)

Amendment 2 (with title amendment)—Between lines 112 and 113, insert:
(8) A contractor or subcontractor registered with and participating in a federal work authorization program may not be held civilly liable in a cause of action for the contractor's or subcontractor's:
(a) Unlawful hiring of an unauthorized alien, as defined in 8 U.S.C. s. 1324a, if the information obtained in accordance with the status verification system indicated that the employee's federal legal status allowed the contractor or subcontractor to hire the employee; or
(b) Refusal to hire an individual if the information obtained in accordance with the status verification system indicated that the individual's federal legal status was that of an unauthorized alien as defined in 8 U.S.C. s. 1324a.

T I T L E A M E N D M E N T

Remove line 20 and insert:
to promulgate rules; specifying causes of action for which a contractor or subcontractor registered with and participating in a federal work authorization program may not be held civilly liable; providing an effective date.

Rep. Adams moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 513—A bill to be entitled An act relating to mobile home park tenancies; amending s. 420.0003, F.S.; directing the Florida Housing Finance Corporation to provide technical assistance to mobile home owners in purchasing their mobile home park; amending s. 420.502, F.S.; providing legislative findings; amending s. 723.061, F.S.; revising procedures for mobile home owners being provided eviction notice due to a change in use of the land comprising the mobile home park; revising application; requiring certain notice to the homeowners' association; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

THE SPEAKER IN THE CHAIR

CS/HB 751—A bill to be entitled An act relating to automatic renewal of service contracts; providing definitions; requiring sellers that sell, lease, or offer to sell or lease any services to consumers pursuant to certain contracts to disclose automatic renewal provisions; providing disclosure requirements; providing exceptions to the disclosure requirements; providing that certain

violations will render an automatic renewal provision void and unenforceable; providing applicability; providing an effective date.

—was read the second time by title.

Representative Legg offered the following:

(Amendment Bar Code: 693851)

Amendment 1—Remove line 85 and insert:
5. Any entity licensed under chapter 489, chapter 624, chapter 627, chapter 633,

Amendment 1 was temporarily postponed.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 435—A bill to be entitled An act relating to marketable record title; amending s. 712.03, F.S.; revising the exceptions to marketability by including any right, title, or interest held by the Board of Trustees of the Internal Improvement Trust Fund, any water management district, or the United States; amending s. 712.04, F.S.; conforming provisions to changes made by the act; amending s. 712.06, F.S.; providing requirements for a recorded notice to preserve a claim of right; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/CS/HB 1277—A bill to be entitled An act relating to sellers of travel; amending s. 559.935, F.S.; providing that exemptions to pt. XI of ch. 559, F.S., the Florida Sellers of Travel Act, do not apply to sellers of travel offering or selling prearranged travel, tourist-related services, or tour-guide services to any person traveling directly from Florida to a terrorist nation; providing a definition; providing for retroactive and prospective application of the act; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/HB 527 was temporarily postponed.

HB 1401—A bill to be entitled An act relating to the export of goods, commodities, and things of value to foreign countries; defining the term "state agency"; prohibiting state agencies from issuing certain forms of documentation for any good, commodity, or thing of value to be exported to certain foreign countries; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7233—A bill to be entitled An act relating to consumer debt collection; creating s. 559.5556, F.S.; requiring a consumer debt collection agency to maintain certain records; amending s. 559.565, F.S.; increasing the administrative fine imposed against an out-of-state consumer debt collector that fails to register as required; revising provisions relating to authorized activities of the Attorney General; amending s. 559.715, F.S.; revising requirements for providing written notice of the assignment of debt; amending s. 559.72, F.S.; revising prohibited acts with respect to consumer debt collection; revising provisions governing violations of communication procedures; amending s. 559.725, F.S.; revising provisions relating to consumer complaints about a consumer collection agency; authorizing the Attorney General to take action against a person for violations involving debt collection; creating s. 559.726, F.S.; providing for the issuance of subpoenas by the Office of Financial Regulation; creating s. 559.727, F.S.; authorizing the office to issue cease and desist orders; amending s. 559.730, F.S.; revising provisions relating to administrative remedies; increasing the maximum penalty; authorizing the Financial Services Commission to adopt rules relating to penalty guidelines; amending s. 559.77, F.S., relating to civil remedies; conforming provisions to federal law; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7241 was temporarily postponed.

CS/HB 843—A bill to be entitled An act relating to rural enterprise zones; requiring the Office of Tourism, Trade, and Economic Development to designate certain rural catalyst sites as rural enterprise zones upon request of a host county; specifying request requirements; specifying effect of designation; specifying reporting requirements for rural catalyst sites designated as a rural enterprise zone; authorizing host county development authorities to enter into memoranda of agreement for certain purposes; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/HB 691 was temporarily postponed.

On motion by Rep. Precourt, **CS/HB 7229** was temporarily postponed.

HB 1065 was temporarily postponed.

CS/HB 1109—A bill to be entitled An act relating to water supply; creating part VII of ch. 373, F.S., relating to water supply policy, planning, production, and funding; providing a declaration of policy; providing for the powers and duties of water management district governing boards; requiring the Department of Environmental Protection to develop the Florida water supply plan; providing components of the plan; requiring water management district governing boards to develop water supply plans for their respective regions; providing components of district water supply plans; providing legislative findings and intent with respect to water resource development and water supply development; requiring water management districts to fund and implement water resource development; specifying water supply development projects that are eligible to receive priority consideration for state or water management district funding assistance; encouraging cooperation in the development of water supplies; providing for alternative water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; establishing the primary roles of the water management districts in alternative water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in alternative water supply development; requiring the water management districts to detail the specific allocations to be used for alternative water supply development in their annual budget submission; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; providing a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the total capital costs of an approved project; establishing a selection process and criteria; providing for cost recovery from the Public Service Commission; requiring a water management district governing board to conduct water supply planning for each region identified in the district water supply plan; providing procedures and requirements with respect to regional water supply plans; providing for joint development of a specified water supply development component of a regional water supply plan within the boundaries of the Southwest Florida Water Management District; providing that approval of a regional water supply plan is not subject to the rulemaking requirements of the Administrative Procedure Act; requiring the department to submit annual reports on the status of regional water supply planning in each district; providing construction with respect to the water supply development component of a regional water supply plan; requiring water management districts to present to certain entities the relevant portions of a regional water

supply plan; requiring certain entities to provide written notification to water management districts as to the implementation of water supply project options; requiring water management districts to notify local governments of the need for alternative water supply projects; requiring water management districts to assist local governments in the development and future revision of local government comprehensive plan elements or public facilities reports related to water resource issues; providing for the creation of regional water supply authorities; providing purpose of such authorities; specifying considerations with respect to the creation of a proposed authority; specifying authority of a regional water supply authority; providing authority of specified entities to convey title, dedicate land, or grant land-use rights to a regional water supply authority for specified purposes; providing preferential rights of counties and municipalities to purchase water from regional water supply authorities; providing exemption for specified water supply authorities from consideration of certain factors and submissions; providing applicability of such exemptions; authorizing the West Coast Regional Water Supply Authority and its member governments to reconstitute the authority's governance and rename the authority under a voluntary interlocal agreement; providing compliance requirements with respect to the interlocal agreement; providing for supersession of conflicting general or special laws; providing requirements with respect to annual budgets; specifying the annual millage for the authority; authorizing the authority to request the governing board of the district to levy ad valorem taxes within the boundaries of the authority to finance authority functions; providing requirements and procedures with respect to the collection of such taxes; amending ss. 120.52, 163.3167, 163.3177, 163.3191, 189.404, 189.4155, 189.4156, 367.021, 373.019, 373.036, 373.0363, 373.0421, 373.0695, 373.223, 373.2234, 373.229, 373.236, 373.536, 373.59, 378.212, 378.404, 403.0891, 403.890, 403.891, and 682.02, F.S.; conforming cross-references and removing obsolete provisions; renumbering s. 373.71, F.S., relating to the Apalachicola-Chattahoochee-Flint River Basin Compact, to clarify retention of the section in part VI of ch. 373, F.S.; repealing s. 373.0361, F.S., relating to regional water supply planning; repealing s. 373.0391, F.S., relating to technical assistance to local governments; repealing s. 373.0831, F.S., relating to water resource and water supply development; repealing s. 373.196, F.S., relating to alternative water supply development; repealing s. 373.1961, F.S., relating to water production and related powers and duties of water management districts; repealing s. 373.1962, F.S., relating to regional water supply authorities; repealing s. 373.1963, F.S., relating to assistance to the West Coast Regional Water Supply Authority; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/HB 7177—A bill to be entitled An act relating to water resources; amending s. 373.227, F.S.; revising provisions of the comprehensive statewide water conservation program to provide for a Conserve Florida Clearinghouse and a Conserve Florida Clearinghouse Guide to assist public water supply utilities in developing goal-based water conservation plans to meet water conservation requirements for obtaining consumptive use permits; encouraging water management districts and public water supply utilities to use the guide for water conservation plans, reports, evaluations, and assessments; revising requirements for goal-based water conservation plans submitted by public water supply utilities as part of consumptive use permit applications; deleting an obsolete provision requiring the Department of Environmental Protection to submit a report on the program to the Governor, the Legislature, and substantive legislative committees by a specified date; amending s. 298.66, F.S.; revising provisions prohibiting the obstruction of certain drainage works; amending s. 373.0361, F.S.; providing for the inclusion of wastewater utilities, reuse utilities, and the department in the regional water supply planning process; amending s. 373.079, F.S.; revising provisions relating to the authority of a water management district governing board to employ an executive director, an inspector general, professional persons, and personnel; revising provisions authorizing a water management district governing board to delegate certain authority to the executive director; requiring the governing board to provide a process for referring certain denials to the board for final action; amending s. 373.083, F.S.; revising provisions authorizing a water management district governing board to delegate certain authority to the executive director; deleting a provision prohibiting governing board members from intervening in the review of certain applications; amending s. 373.085, F.S.; requiring water management districts and governmental agencies to encourage public-private partnerships for procurement of materials for infrastructure and restoration work projects; amending s. 373.118, F.S.; authorizing a water management district governing board to delegate certain authority to the executive director; requiring a water management district governing board to provide a process for referring application and petition denials to the board for final action; exempting such delegations from rulemaking under ch. 120; amending s. 373.236, F.S.; reducing the frequency of compliance reports during the term of a consumptive use permit; providing an exception; amending s. 373.250, F.S.; requiring water management districts, in consultation with the department, to adopt rules relating to reclaimed water feasibility evaluations for consumptive use permit applicants; providing rule requirements; encouraging reuse utilities and water management districts to periodically coordinate and share information relating to reclaimed water; requiring water management districts to initiate certain rulemaking by a specified date; amending s. 373.4135, F.S.; revising legislative intent relating to rules of the department and water management districts with respect to mitigation banks and offsite regional mitigation; providing for specified entities to voluntarily establish and operate certain mitigation projects; providing that memoranda of agreement for such projects are exempt from certain rule adoption; providing an effective date.

—was read the second time by title.

Representative Williams, T. offered the following:

(Amendment Bar Code: 333281)

Amendment 1 (with title amendment)—Remove lines 291-304 and insert:

director all of its authority to take final action on permit applications under ~~part II or~~ part IV or petitions for variances or waivers of permitting requirements under ~~part II or~~ part IV~~, except for denials of such actions as provided in s. 373.083(5)~~. The executive director may execute such delegated authority through designated staff members. Such delegations shall not be subject to the rulemaking requirements of chapter 120. The governing board must provide a process for referring a denial of such application or petition to the governing board for the purpose of taking final action. The executive director must be confirmed by the Senate upon employment and must be confirmed or reconfirmed by the Senate during the second regular session of the Legislature following a gubernatorial election.

(b) The delegation required by this paragraph shall expressly prohibit governing board members from individually intervening in any manner during the review of an application prior to such application being referred to the governing board for final action. This paragraph does not prohibit the governing board as a collegial body from acting on any permit application or supervising, overseeing, or directing the activities of district staff. This paragraph shall expire on June 1, 2011, unless reenacted by the Legislature.

(c)~~(b)1.~~ ~~The governing board of each water management~~

T I T L E A M E N D M E N T

Remove line 27 and insert:

professional persons, and personnel; prohibiting governing board intervention with specified applications under pt. IV of ch. 373, F.S., during review; providing for expiration of provisions; revising provisions

Rep. T. Williams moved the adoption of the amendment.

On motion by Rep. T. Williams, by the required two-thirds vote, the House agreed to consider the following late-filed substitute amendment.

Representative Williams, T. offered the following:

(Amendment Bar Code: 124567)

Substitute Amendment 1 (with title amendment)—Remove lines 293-304 and insert:
or waivers of permitting requirements under ~~part II or~~ part IV~~, except for denials of such actions as provided in s. 373.083(5)~~. The executive director may execute such delegated authority through designated staff members. Such delegations shall not be subject to the rulemaking requirements of chapter 120. The governing board must provide a process for referring a denial of such application or petition to the governing board for the purpose of taking final action. The executive director must be confirmed by the Senate upon employment and must be confirmed or reconfirmed by the Senate during the second regular session of the Legislature following a gubernatorial election.

(b) The delegation required by this subsection shall expressly prohibit governing board members from individually intervening in any manner during the review of an application before such application is referred to the governing board for final action. This paragraph does not prohibit the governing board as a collegial body from acting on any permit application or supervising, overseeing, or directing the activities of district staff. This paragraph shall expire on June 1, 2011, unless reenacted by the Legislature.

(c)~~(b)1. The governing board of each water management~~

T I T L E A M E N D M E N T

Remove line 27 and insert:
professional persons, and personnel; prohibiting governing board intervention during review of specified permit applications; providing for expiration of such prohibition; revising provisions

Rep. T. Williams moved the adoption of the substitute amendment, which was adopted.

Representative Williams, T. offered the following:

(Amendment Bar Code: 127919)

Amendment 2—Remove line 352 and insert:
projects, consistent with district and state procurement procedures.

Rep. T. Williams moved the adoption of the amendment, which was adopted.

Representative Williams, T. offered the following:

(Amendment Bar Code: 522719)

Amendment 3 (with title amendment)—Between lines 577 and 578, insert:

Section 12. Section 403.0877, Florida Statutes, is amended to read:

403.0877 Certification by professionals regulated by the Department of Business and Professional Regulation.—

~~(1) Nothing in this section shall be construed as specific authority for a water management district or the department to require certification by a professional engineer licensed under chapter 471, a professional landscape architect licensed under part II of chapter 481, a professional geologist licensed under chapter 492, or a professional surveyor and mapper licensed under chapter 472, for an activity that is not within the definition or scope of practice of the regulated profession.~~

(1)~~(2)~~ If an application for a permit or license to conduct an activity regulated under this chapter, chapter 373, chapter 376, or any permitting program delegated to a water management district by a state agency, or to undertake corrective action of such activity or program ordered by the department or a water management district, requires the services of a professional ~~as enumerated in subsection (1)~~, the department or governing board of a water management district may require, by rule, in conjunction with such an application or any submittals required as a condition of granting a permit or license, or in conjunction with the order of corrective action, such certification by the professional as is necessary to ensure that the proposed activity or corrective action is designed, constructed, operated, and maintained in accordance with applicable law and rules of the department or district and in conformity with proper and sound design principles, or other such certification by the professional as may be necessary to ensure compliance with applicable law or rules of the department or district. The department or governing board of a water management district may further require as a condition of granting a permit or license, or in conjunction with ordering corrective action that the professional certify upon completion of the permitted or licensed activity or corrective action that such activity or corrective action has, to the best of his or her knowledge, been completed in substantial conformance with the plans and specifications approved by the department or board.

(2)~~(3)~~ The cost of such certifications by the professional shall be borne by the permittee or the person ordered to correct the permitted activity.

(3)~~(4)~~ A permitted or licensed activity or corrective action that is required to be so certified upon completion of the activity or action may not be placed into use or operation until the professional's certificate is filed with the department or board.

T I T L E A M E N D M E N T

Remove line 64 and insert:
projects are exempt from certain rule adoption; amending s. 403.0877, F.S.; deleting a provision limiting the authority of water management districts or the department to require certification from a professional for specified activities; providing

Rep. T. Williams moved the adoption of the amendment, which was adopted.

Representative Williams, T. offered the following:

(Amendment Bar Code: 738487)

Amendment 4 (with title amendment)—Between lines 577 and 578, insert:

Section 12. Paragraph (b) of subsection (1) of section 373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(1) As part of an applicant's demonstration that an activity regulated under this part will not be harmful to the water resources or will not be inconsistent with the overall objectives of the district, the governing board or the department shall require the applicant to provide reasonable assurance that state water quality standards applicable to waters as defined in s. 403.031(13) will not be violated and reasonable assurance that such activity in, on, or over surface waters or wetlands, as delineated in s. 373.421(1), is not contrary to the public interest. However, if such an activity significantly degrades or is within an Outstanding Florida Water, as provided by department rule, the applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.

(a) In determining whether an activity, which is in, on, or over surface waters or wetlands, as delineated in s. 373.421(1), and is regulated under this part, is not contrary to the public interest or is clearly in the public interest, the governing board or the department shall consider and balance the following criteria:

1. Whether the activity will adversely affect the public health, safety, or welfare or the property of others;

2. Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

3. Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;

4. Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;

5. Whether the activity will be of a temporary or permanent nature;

6. Whether the activity will adversely affect or will enhance significant historical and archaeological resources under the provisions of s. 267.061; and

7. The current condition and relative value of functions being performed by areas affected by the proposed activity.

(b) If the applicant is unable to otherwise meet the criteria set forth in this subsection, the governing board or the department, in deciding to grant or deny a permit, shall consider measures proposed by or acceptable to the applicant to mitigate adverse effects that may be caused by the regulated activity. Such measures may include, but are not limited to, onsite mitigation, offsite mitigation, offsite regional mitigation, and the purchase of mitigation credits from mitigation banks permitted under s. 373.4136. It shall be the responsibility of the applicant to choose the form of mitigation. The mitigation must offset the adverse effects caused by the regulated activity. Except as provided in subsection (6) and for mitigation established in a general permit pursuant to subsection (9), an applicant proposing to use mitigation, including a mitigation bank, or offsite, onsite, or offsite regional mitigation, or any combination thereof, shall not be required to demonstrate that the proposed mitigation provides a greater improvement in ecological value than any other means of mitigation, provided the mitigation proposed offsets the adverse effects caused by the regulated activity.

T I T L E A M E N D M E N T

Remove line 64 and insert:
projects are exempt from certain rule adoption; amending s. 373.414, F.S.; providing criteria for mitigation bank applicants; providing

Rep. T. Williams moved the adoption of the amendment.

On motion by Rep. T. Williams, by the required two-thirds vote, the House agreed to consider the following late-filed substitute amendment.

Representative Williams, T. offered the following:

(Amendment Bar Code: 712981)

Substitute Amendment 4 (with title amendment)—Remove lines 449-577

T I T L E A M E N D M E N T

Remove lines 57-64 and insert:
certain rulemaking by a specified date; providing

Rep. T. Williams moved the adoption of the substitute amendment, which was adopted.

Further consideration of **CS/HB 7177** was temporarily postponed.

CS/CS/HB 1385—A bill to be entitled An act relating to petroleum contamination site cleanup; amending s. 376.3071, F.S.; revising provisions relating to petroleum contamination site selection and cleanup criteria; deleting obsolete provisions relating to funding for limited interim soil-source removals; requiring the Department of Environmental Protection to utilize natural attenuation monitoring strategies to transition sites into long-term natural attenuation monitoring under specified conditions; providing for natural attenuation and active remediation of sites; requiring the department to evaluate certain costs and strategies; prohibiting local governments from denying building permits under specified conditions; providing requirements for such permits and related construction, repairs, and renovations; establishing a low-scored site initiative; providing conditions for participation; requiring the department to issue certain determinations and orders; providing that certain sites are eligible for payment of preapproved costs; requiring assessment work to be completed within a certain timeframe; providing payment and funding limitations; deleting provisions relating to nonreimbursable voluntary cleanup; requiring the installation of fuel tank upgrades to secondary containment systems to be completed by specified deadlines; providing an exception; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/CS/CS/HB 617—A bill to be entitled An act relating to mining and extraction activities; amending s. 373.414, F.S.; providing that financial responsibility for mitigation for wetlands and other surface waters required by a permit for activities associated with the extraction of limestone are subject to approval by the Department of Environmental Protection as part of permit application review; amending s. 378.901, F.S.; authorizing mine operators proposing to mine or extract heavy minerals, limestone, or fuller's earth clay to apply for a life-of-the-mine permit; clarifying the authority of local governments to approve, approve with conditions, deny, or impose certain permit durations; providing an effective date.

—was read the second time by title.

Representative Bembry offered the following:

(Amendment Bar Code: 412727)

Amendment 1 (with title amendment)—Remove lines 49-50 and insert:
part IV of this chapter, any ~~each~~ operator who mines or extracts or proposes to mine or extract heavy minerals, limestone, or

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T I T L E A M E N D M E N T

Remove line 9 and insert:
F.S.; authorizing mine operators mining or extracting or proposing to mine or

Rep. Bembry moved the adoption of the amendment, which was adopted.

Representative Kreegel offered the following:

(Amendment Bar Code: 692283)

Amendment 2 (with title amendment)—Between lines 55 and 56, insert:

Section 3. Subsections (1), (2), and (3) of section 220.1845, Florida Statutes, are renumbered as subsections (2), (3), and (4), respectively, and a new subsection (1) is added to that section to read:

220.1845 Contaminated site rehabilitation tax credit.—

(1) APPLICATION FOR TAX CREDIT.—A site rehabilitation application must be received by the Division of Waste Management of the Department of Environmental Protection by January 31 of the year after the calendar year for which site rehabilitation costs are being claimed in a tax credit application. All site rehabilitation costs claimed must have been for work conducted between January 1 and December 31 of the year for which the application is being submitted. All payment requests must have been received and all costs must have been paid prior to submittal of the tax credit application, but no later than January 31 of the year after the calendar year for which site rehabilitation costs are being claimed.

Section 4. Paragraph (a) of subsection (5), paragraph (c) of subsection (6), and subsections (9) and (10) of section 376.30781, Florida Statutes, are amended to read:

376.30781 Tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(5) To claim the credit for site rehabilitation or solid waste removal, each tax credit applicant must apply to the Department of Environmental Protection for an allocation of the $2 million annual credit by filing a tax credit application with the Division of Waste Management on a form developed by the Department of Environmental Protection in cooperation with the Department of Revenue. The form shall include an affidavit from each tax

credit applicant certifying that all information contained in the application, including all records of costs incurred and claimed in the tax credit application, are true and correct. If the application is submitted pursuant to subparagraph (3)(a)2., the form must include an affidavit signed by the real property owner stating that it is not, and has never been, the owner or operator of the drycleaning facility where the contamination exists. Approval of tax credits must be accomplished on a first-come, first-served basis based upon the date and time complete applications are received by the Division of Waste Management, subject to the limitations of subsection (14). To be eligible for a tax credit, the tax credit applicant must:

(a) For site rehabilitation tax credits, have entered into a voluntary cleanup agreement with the Department of Environmental Protection for a drycleaning-solvent-contaminated site or a Brownfield Site Rehabilitation Agreement, as applicable, and have paid all deductibles pursuant to s. 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program sites, as applicable. A site rehabilitation tax credit applicant must submit only a single completed application per site for each calendar year's site rehabilitation costs. A site rehabilitation application must be received by the Division of Waste Management of the Department of Environmental Protection by January 31 of the year after the calendar year for which site rehabilitation costs are being claimed in a tax credit application. All site rehabilitation costs claimed must have been for work conducted between January 1 and December 31 of the year for which the application is being submitted. All payment requests must have been received and all costs must have been paid prior to submittal of the tax credit application, but no later than January 31 of the year after the calendar year for which site rehabilitation costs are being claimed.

(6) To obtain the tax credit certificate, the tax credit applicant must provide all pertinent information requested on the tax credit application form, including, at a minimum, the name and address of the tax credit applicant and the address and tracking identification number of the eligible site. Along with the tax credit application form, the tax credit applicant must submit the following:

(c) Proof that the documentation submitted pursuant to paragraph (b) has been reviewed and verified by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants. Specifically, a certified public accountant's report must be submitted and the certified public accountant must attest to the accuracy and validity of the costs claimed ~~incurred and paid during the time period covered~~ in the application by conducting an independent review of the data presented by the tax credit applicant. Accuracy and validity of costs incurred and paid shall be determined after the level of effort is certified by an appropriate professional registered in this state in each contributing technical discipline. The certified public accountant's report must also attest that the costs included in the application form are not duplicated within the application, that all payment requests were received and all costs were paid prior to submittal of the tax credit application, and, for site rehabilitation tax credits, that all costs claimed are for work conducted between January 1 and December 31 of the year for which the application is being submitted. A copy of the accountant's report shall be submitted to the Department of Environmental Protection in addition to the accountant's certification form in the tax credit application; and

(9) On or before May 1, the Department of Environmental Protection shall inform each tax credit applicant that is subject to the January 31 annual application deadline of the applicant's eligibility status and the amount of any tax credit due. The department shall provide each eligible tax credit applicant with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit or be transferred pursuant to s. 220.1845(2)(g) ~~s. 220.1845(1)(g)~~. The May 1 deadline for annual site rehabilitation tax credit certificate awards shall not apply to any tax credit application for which the department has issued a notice of deficiency pursuant to subsection (8). The department shall respond within 90 days after receiving a response from the tax credit applicant to such a notice of deficiency. Credits may not result in the payment of refunds if total credits exceed the amount of tax owed.

(10) For solid waste removal, new health care facility or health care provider, and affordable housing tax credit applications, the Department of Environmental Protection shall inform the applicant of the department's determination within 90 days after the application is deemed complete. Each eligible tax credit applicant shall be informed of the amount of its tax credit and provided with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit or be transferred pursuant to s. 220.1845(2)(g) ~~s. 220.1845(1)(g)~~. Credits may not result in the payment of refunds if total credits exceed the amount of tax owed.

Section 5. Section 376.85, Florida Statutes, is amended to read:

376.85 Annual report.—The Department of Environmental Protection shall prepare and submit ~~an annual report~~ to the President of the Senate and the Speaker of the House of Representatives by August 1 of each year a report that includes ~~Legislature, beginning in December 1998, which shall include~~, but is not ~~be~~ limited to, the number, size, and locations of brownfield sites: that have been remediated under the provisions of this act,~~;~~ that are currently under rehabilitation pursuant to a negotiated site rehabilitation agreement with the department or a delegated local program,~~;~~ where alternative cleanup target levels have been established pursuant to s. 376.81(1)(g)3.,~~;~~ and~~,~~ where engineering and institutional control strategies are being employed as conditions of a "no further action order" to maintain the protections provided in s. 376.81(1)(g)1. and 2.

Section 6. Section 403.973, Florida Statutes, is amended to read:

403.973 Expedited permitting; amendments to comprehensive plans ~~plan amendments~~.—

(1) It is the intent of the Legislature to encourage and facilitate the location and expansion of those types of economic development projects which offer job creation and high wages, strengthen and diversify the state's economy, and have been thoughtfully planned to take into consideration the protection of the state's environment. It is also the intent of the Legislature to provide for an expedited permitting and comprehensive plan amendment process for such projects.

(2) As used in this section, the term:

(a) "Duly noticed" means publication in a newspaper of general circulation in the municipality or county with jurisdiction. The notice shall appear on at least 2 separate days, one of which shall be at least 7 days before the meeting. The notice shall state the date, time, and place of the meeting scheduled to discuss or enact the memorandum of agreement, and the places within the municipality or county where such proposed memorandum of agreement may be inspected by the public. The notice must be one-eighth of a page in size and must be published in a portion of the paper other than the legal notices section. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the memorandum of agreement.

(b) "Jobs" means permanent, full-time equivalent positions not including construction jobs.

(c) "Office" means the Office of Tourism, Trade, and Economic Development.

(d) "Permit applications" means state permits and licenses, and at the option of a participating local government, local development permits or orders.

(e) "Secretary" means the Secretary of Environmental Protection or his or her designee.

(3)(a) The secretary ~~Governor, through the office,~~ shall direct the creation of regional permit action teams~~,~~ for the purpose of expediting review of permit applications and local comprehensive plan amendments submitted by:

1. Businesses creating at least 50 ~~100~~ jobs;~~,~~ or

2. Businesses creating at least 25 ~~50~~ jobs if the project is located in an enterprise zone, or in a county having a population of fewer ~~less~~ than 75,000 or in a county having a population of fewer ~~less~~ than 125,000 ~~100,000~~ which is contiguous to a county having a population of fewer ~~less~~ than 75,000, as determined by the most recent decennial census, residing in incorporated and unincorporated areas of the county.~~, or~~

(b) On a case-by-case basis and at the request of a county or municipal government, the office may certify as eligible for expedited review a project not meeting the minimum job creation thresholds but creating a minimum of 10 jobs. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for the office to certify that any project is eligible for expedited review under this paragraph. When considering projects that do not meet the minimum job creation thresholds but that are recommended by the governing body in

which the project may be located, the office shall consider economic impact factors that include, but are not limited to:

1. The proposed wage and skill levels relative to those existing in the area in which the project may be located;

2. The project's potential to diversify and strengthen the area's economy;

3. The amount of capital investment; and

4. The number of jobs that will be made available for persons served by the welfare transition program.

(c) At the request of a county or municipal government, the office or a Quick Permitting County may certify projects located in counties where the ratio of new jobs per participant in the welfare transition program, as determined by Workforce Florida, Inc., is less than one or otherwise critical, as eligible for the expedited permitting process. Such projects must meet the numerical job creation criteria of this subsection, but the jobs created by the project do not have to be high-wage jobs that diversify the state's economy.

(d) Projects located in a designated brownfield area are eligible for the expedited permitting process.

(e) Projects that are part of the state-of-the-art biomedical research institution and campus to be established in this state by the grantee under s. 288.955 are eligible for the expedited permitting process, if the projects are designated as part of the institution or campus by the board of county commissioners of the county in which the institution and campus are established.

(f) Projects resulting in the production of biofuels cultivated on lands that are 1,000 acres or more or in the construction of a biofuel or biodiesel processing facility or a facility generating renewable energy, as defined in s. 366.91(2)(d), are eligible for the expedited permitting process.

(4) The regional teams shall be established through the execution of memoranda of agreement developed by the applicant and the secretary, with input solicited from ~~between~~ the office and the respective heads of ~~the Department of Environmental Protection,~~ the Department of Community Affairs, the Department of Transportation and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memoranda of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

(5) In order to facilitate local government's option to participate in this expedited review process, the secretary ~~office~~ shall, in cooperation with local governments and participating state agencies, create a standard form memorandum of agreement. A local government shall hold a duly noticed public workshop to review and explain to the public the expedited permitting process and the terms and conditions of the standard form memorandum of agreement.

(6) The local government shall hold a duly noticed public hearing to execute a memorandum of agreement for each qualified project. Notwithstanding any other provision of law, and at the option of the local government, the workshop provided for in subsection (5) may be conducted on the same date as the public hearing held under this subsection. The memorandum of agreement that a local government signs shall include a provision identifying necessary local government procedures and time limits that will be modified to allow for the local government decision on the project within 90 days. The memorandum of agreement applies to projects, on a case-by-case basis, that qualify for special review and approval as specified in this section. The memorandum of agreement must make it clear that this expedited permitting and review process does not modify, qualify, or otherwise alter existing local government nonprocedural standards for permit applications, unless expressly authorized by law.

(7) ~~At the option of the participating local government,~~ Appeals of local government comprehensive plan approvals ~~its final approval~~ for a project shall ~~may~~ be pursuant to the summary hearing provisions of s. 120.574, pursuant to subsection (14), and consolidated with the challenge of any applicable state agency actions ~~or pursuant to other appellate processes available to the local government. The local government's decision to enter into a summary hearing must be made as provided in s. 120.574 or in the memorandum of agreement~~.

(8) Each memorandum of agreement shall include a process for final agency action on permit applications and local comprehensive plan amendment approvals within 90 days after receipt of a completed application, unless the applicant agrees to a longer time period or the secretary ~~office~~ determines that unforeseen or uncontrollable circumstances preclude final agency action within the 90-day timeframe. Permit applications governed by federally delegated or approved permitting programs whose requirements would prohibit or be inconsistent with the 90-day timeframe are exempt from this provision, but must be processed by the agency with federally delegated or approved program responsibility as expeditiously as possible.

(9) The secretary ~~office~~ shall inform the Legislature by October 1 of each year which agencies have not entered into or implemented an agreement and identify any barriers to achieving success of the program.

(10) The memoranda of agreement may provide for the waiver or modification of procedural rules prescribing forms, fees, procedures, or time limits for the review or processing of permit applications under the jurisdiction of those agencies that are party to the memoranda of agreement. Notwithstanding any other provision of law to the contrary, a memorandum of agreement must to the extent feasible provide for proceedings and hearings otherwise held separately by the parties to the memorandum of agreement to be combined into one proceeding or held jointly and at one location. Such waivers or modifications shall not be available for permit applications governed by federally delegated or approved permitting programs, the requirements of which would prohibit, or be inconsistent with, such a waiver or modification.

(11) The standard form for memoranda of agreement shall include guidelines to be used in working with state, regional, and local permitting authorities. Guidelines may include, but are not limited to, the following:

(a) A central contact point for filing permit applications and local comprehensive plan amendments and for obtaining information on permit and local comprehensive plan amendment requirements;

(b) Identification of the individual or individuals within each respective agency who will be responsible for processing the expedited permit application or local comprehensive plan amendment for that agency;

(c) A mandatory preapplication review process to reduce permitting conflicts by providing guidance to applicants regarding the permits needed from each agency and governmental entity, site planning and development, site suitability and limitations, facility design, and steps the applicant can take to ensure expeditious permit application and local comprehensive plan amendment review. As a part of this process, the first interagency meeting to discuss a project shall be held within 14 days after the secretary's ~~office's~~ determination that the project is eligible for expedited review. Subsequent interagency meetings may be scheduled to accommodate the needs of participating local governments that are unable to meet public notice requirements for executing a memorandum of agreement within this timeframe. This accommodation may not exceed 45 days from the secretary's ~~office's~~ determination that the project is eligible for expedited review;

(d) The preparation of a single coordinated project description form and checklist and an agreement by state and regional agencies to reduce the burden on an applicant to provide duplicate information to multiple agencies;

(e) Establishment of a process for the adoption and review of any comprehensive plan amendment needed by any certified project within 90 days after the submission of an application for a comprehensive plan amendment. However, the memorandum of agreement may not prevent affected persons as defined in s. 163.3184 from appealing or participating in this expedited plan amendment process and any review or appeals of decisions made under this paragraph; and

(f) Additional incentives for an applicant who proposes a project that provides a net ecosystem benefit.

(12) The applicant, the regional permit action team, and participating local governments may agree to incorporate into a single document the permits, licenses, and approvals that are obtained through the expedited permit process. This consolidated permit is subject to the summary hearing provisions set forth in subsection (14).

(13) Notwithstanding any other provisions of law:

(a) Local comprehensive plan amendments for projects qualified under this section are exempt from the twice-a-year limits provision in s. 163.3187; and

(b) Projects qualified under this section are not subject to interstate highway level-of-service standards adopted by the Department of Transportation for concurrency purposes. The memorandum of agreement specified in subsection (5) must include a process by which the applicant will be assessed a fair share of the cost of mitigating the project's significant traffic impacts, as defined in chapter 380 and related rules. The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.

(14)(a) Challenges to state agency action in the expedited permitting process for projects processed under this section are subject to the summary hearing provisions of s. 120.574, except that the administrative law judge's decision, as provided in s. 120.574(2)(f), shall be in the form of a recommended order and shall not constitute the final action of the state agency. In those proceedings where the action of only one agency of the state other than the Department of Environmental Protection is challenged, the agency of the state shall issue the final order within 45 ~~10~~ working days after ~~of~~ receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. In those proceedings where the actions of more than one agency of the state are challenged, the Governor shall issue the final order within 45 ~~10~~ working days after ~~of~~ receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. This paragraph does not apply to the issuance of department licenses required under any federally delegated or approved permit program. In such instances, the department shall enter the final order. The participating agencies of the state may opt at the preliminary hearing conference to allow the administrative law judge's decision to constitute the final agency action. If a participating local government agrees to participate in the summary hearing provisions of s. 120.574 for purposes of review of local government comprehensive plan amendments, s. 163.3184(9) and (10) apply.

(b) Projects identified in paragraph (3)(f) or challenges to state agency action in the expedited permitting process for establishment of a state-of-the-art biomedical research institution and campus in this state by the grantee under s. 288.955 are subject to the same requirements as challenges brought under paragraph (a), except that, notwithstanding s. 120.574, summary proceedings must be conducted within 30 days after a party files the motion for summary hearing, regardless of whether the parties agree to the summary proceeding.

(15) The office, working with the agencies providing cooperative assistance and input regarding ~~participating in~~ the memoranda of agreement, shall review sites proposed for the location of facilities eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by the office, the agencies shall provide to the office a statement as to each site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

(16) This expedited permitting process shall not modify, qualify, or otherwise alter existing agency nonprocedural standards for permit applications or local comprehensive plan amendments, unless expressly authorized by law. If it is determined that the applicant is not eligible to use this process, the applicant may apply for permitting of the project through the normal permitting processes.

(17) The office shall be responsible for certifying a business as eligible for undergoing expedited review under this section. Enterprise Florida, Inc., a county or municipal government, or the Rural Economic Development Initiative may recommend to the Office of Tourism, Trade, and Economic Development that a project meeting the minimum job creation threshold undergo expedited review.

(18) The office, working with the Rural Economic Development Initiative and the agencies participating in the memoranda of agreement, shall provide technical assistance in preparing permit applications and local comprehensive plan amendments for counties having a population of fewer ~~less~~ than 75,000 residents, or counties having fewer than 125,000 ~~100,000~~ residents which are contiguous to counties having fewer than 75,000 residents. Additional assistance may include, but not be limited to, guidance in land development regulations and permitting processes, working cooperatively with state, regional, and local entities to identify areas within these counties which may be suitable or adaptable for preclearance review of specified types of land uses and other activities requiring permits.

(19) The following projects are ineligible for review under this part:

(a) A project funded and operated by a local government, as defined in s. 377.709, and located within that government's jurisdiction.

(b) A project, the primary purpose of which is to:

1. Effect the final disposal of solid waste, biomedical waste, or hazardous waste in this state.

2. Produce electrical power, unless the production of electricity is incidental and not the primary function of the project or the electrical power is derived from a fuel source for renewable energy as defined in s. 366.91(2)(d).

3. Extract natural resources.

4. Produce oil.

5. Construct, maintain, or operate an oil, petroleum, natural gas, or sewage pipeline.

T I T L E A M E N D M E N T

Remove lines 2-13 and insert:

An act relating to environmental control; amending s. 373.414, F.S.; providing that financial responsibility for mitigation for wetlands and other surface waters required by a permit for activities associated with the extraction of limestone are subject to approval by the Department of Environmental Protection as part of permit application review; amending s. 378.901, F.S.; authorizing mine operators proposing to mine or extract heavy minerals, limestone, or fuller's earth clay to apply for a life-of-the-mine permit; clarifying the authority of local governments to approve, approve with conditions, deny, or impose certain permit durations; amending ss. 220.1845 and 376.30781, F.S.; providing requirements for claiming certain site rehabilitation costs in applications for contaminated site rehabilitation tax credits; conforming cross-references; amending s. 376.85, F.S.; revising requirements for the Department of Environmental Protection's annual report to the Legislature regarding site rehabilitation; amending s. 403.973, F.S.; transferring certain authority over the expedited permitting and comprehensive plan amendment process from the Office of Tourism, Trade, and Economic Development to the Secretary of Environmental Protection; revising job-creation criteria for businesses to qualify to submit permit applications and local comprehensive plan amendments for expedited review; providing that permit applications and local comprehensive plan amendments for specified renewable energy projects are eligible for the expedited permitting process; providing for the establishment of regional permit action teams through the execution of memoranda of agreement developed by permit applicants and the secretary; revising provisions relating to the memoranda of agreement developed by the secretary; providing for the appeal of local government comprehensive plan approvals for projects and requiring such appeals to be consolidated with challenges to state agency actions; requiring recommended orders relating to challenges to state agency actions pursuant to summary hearing provisions to include certain information; extending the deadline for issuance of final orders relating to such challenges; providing for challenges to state agency action related to expedited permitting for specified renewable energy projects; revising provisions relating to the review of sites proposed for the location of facilities eligible for the Innovation Incentive Program; revising criteria for counties eligible to

receive technical assistance in preparing permit applications and local comprehensive plan amendments; specifying expedited review eligibility for certain electrical power projects;

Rep. T. Williams moved the adoption of the amendment.

Point of Order

Rep. Waldman raised a point of order, under Rule 12.8, that the amendment was not germane.

Rep. Galvano, Chair of the Rules & Calendar Council, in speaking to the point of order on Amendment 2 to CS/CS/CS/HB 617, stated that pursuant to Rule 12.8(a)(1), the amendment substantially expanded the scope of the bill and recommended the point be well taken.

The Chair [Speaker Cretul], upon the recommendation of Rep. Galvano, Chair of the Rules & Calendar Council, ruled the point well taken and the amendment out of order.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 7243 was temporarily postponed.

CS for SB 1034—A bill to be entitled An act relating to the Public Service Commission; amending s. 350.041, F.S.; revising the standards of conduct for commissioners of the Public Service Commission; requiring that commissioners observe and abide by the Code of Judicial Conduct while conducting docketed proceedings; providing for statutory preemption; providing for penalties; amending s. 350.042, F.S.; deleting references to "ex parte communications" and replacing such references with "prohibited communications"; providing a purpose; providing legislative intent; providing definitions; prohibiting a commissioner or the commissioner's direct reporting staff from initiating, engaging in, or considering prohibited communications in any proceeding other than an undocketed workshop or an internal affairs meeting; prohibiting any individual from discussing any matter with a commissioner or the commissioner's direct reporting staff which the individual reasonably foresees will be filed with the commission; requiring that any communication between a commissioner or the commissioner's direct reporting staff and a representative of a utility be made available to the public; requiring that any communication be posted on the commission's website within a specified time after the communication is made or received; requiring that the commission post on its website a copy of written communications received by the commission; requiring that the commission prepare a written summary of certain communications and post such summary on its website within a specified time after the communication is made or received; requiring that notice be posted on the commission's website a minimum number of hours before the occurrence of any meeting, telephone conference call, or written communication between a commissioner or the commissioner's direct reporting staff; authorizing the Office of Public Counsel to participate in such communications for limited purposes; providing an exception for certain commission staff or industry representatives; providing that the restrictions on prohibited communications apply to communications made to or from the Governor, a member of the Cabinet, or a member of the Legislature; providing penalties for members of a commissioner's direct report staff who fail to report certain communications; amending s. 350.0605, F.S.; prohibiting former commissioners and members of a commissioner's direct reporting staff from lobbying the legislative or executive branch of state government on behalf of any client or industry regulated by the commission for 4 years after termination of service or employment with the commission; defining the term "commissioner's direct reporting staff"; prohibiting any former commissioner's direct reporting staff from appearing before the commission representing any client or industry regulated by the commission for 4 years after termination of employment with the commission; providing that such prohibitions apply to commissioners and their direct reporting staff who are appointed or reappointed to or who terminate their employment with the commission on or after a specified date; prohibiting a former commissioner or member of a commissioner's direct reporting staff from accepting employment by or compensation from certain entities regulated by the commission for a period of 4 years after termination of service or employment with the commission; providing that the prohibition applies to former commissioners and members of a commissioner's direct reporting staff who are appointed or reappointed to or hired with the commission on or after a specified date; amending s. 350.061, F.S.; extending reconfirmation intervals for the Public Counsel to 4 years from biennially; providing an effective date.

—was read the second time by title.

Representative Precourt offered the following:

(Amendment Bar Code: 884785)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 350.001, Florida Statutes, is amended to read:

350.001 Legislative intent.—

(1) The Florida Public Service Commission has been and shall continue to be an arm of the legislative branch of government. In the exercise of its jurisdiction, the commission shall neither establish nor implement any regulatory policy that is contrary to, or is an expansion of, the authority granted to it by the Legislature.

(2) The Public Service Commission shall perform its duties independently, impartially, professionally, honorably, and without undue influence from any person.

(3) It is the desire of the Legislature that the Governor participate in the appointment process of commissioners to the Public Service Commission. The Legislature accordingly delegates to the Governor a limited authority with respect to the Public Service Commission by authorizing him or her to participate in the selection of members only in the manner prescribed by s. 350.031.

Section 2. Paragraphs (b) and (d) of subsection (1) and subsection (5) of section 350.031, Florida Statutes, are amended to read:

350.031 Florida Public Service Commission Nominating Council.—

(1)

(b) All terms shall be for 4 years except those members of the House and Senate, who shall serve 2-year terms concurrent with the 2-year elected terms of House members. ~~All terms of the members of the Public Service Commission Nominating Council existing on June 30, 2008, shall terminate upon the effective date of this act; however, such members may serve an additional term if reappointed by the Speaker of the House of Representatives or the President of the Senate.~~ To establish staggered terms, appointments of members shall be made for initial terms to begin on July 1, 2008, with each appointing officer to appoint three legislator members, one of whom shall be a member of the minority party, to terms through the remainder of the 2-year elected terms of House members; one nonlegislator member to a 6-month term; one nonlegislator member to an 18-month term; and one nonlegislator member to a 42-month term. Thereafter, the terms of the nonlegislator members of the Public Service Commission Nominating Council shall begin on January 2 of the year the term commences and end 4 years later on January 1.

(d) Vacancies on the council shall be filled for the unexpired portion of the term in the same manner as original appointments to the council. A member may not be reappointed to the council, except for a member of the House of Representatives or the Senate who may be appointed to two 2-year terms~~, members who are reappointed pursuant to paragraph (b),~~ or a person who is appointed to fill the remaining portion of an unexpired term.

(5) A person may not be nominated to the Governor for appointment to the Public Service Commission until the council has determined that the person satisfies the qualifications set forth in s. 350.04 ~~is competent and knowledgeable in one or more fields, which shall include, but not be limited to: public affairs, law, economics, accounting, engineering, finance, natural resource conservation, energy, or another field substantially related to the duties and functions of the commission~~. The commission shall fairly

represent the ~~above-stated~~ fields identified in s. 350.04(2). Recommendations of the council shall be nonpartisan.

Section 3. Section 350.035, Florida Statutes, is created to read:

350.035 Prohibited influence on commissioners and commission staff.—

(1)(a) Neither the Governor, the President of the Senate, the Speaker of the House of Representatives, nor a member of the Public Service Commission Nominating Council shall attempt to sway the independent judgment of the commission by bringing pressure to bear upon a commissioner or commission employee through that person's role in the nomination, appointment, or confirmation of commissioners.

(b) The Commission on Ethics shall receive and investigate sworn complaints of violations of this subsection pursuant to ss. 112.322-112.3241.

(2)(a) To ensure that each commissioner, as a member of a collegial body, is afforded the benefit of unbiased and independent analysis and advice from its professional and technical staff, an individual commissioner may not demand or require any member of the commission staff, other than the commissioner's direct staff, to develop, present, or pursue a particular opinion, position, or course of action in relation to any substantive matter pending before the commission or a panel of commissioners. This paragraph does not prohibit the commission, as a collegial body, from directing its staff to pursue a course of action consistent with direction provided by the collegial body. Further, this paragraph is not intended to prohibit an individual commissioner from any otherwise lawful communication with commission staff, including any expression of opinion, position, or concern regarding a matter within the jurisdiction of the commission. A violation of this subsection is an act of malfeasance for purposes of ss. 112.3187-112.31895.

(b) The inspector general of the commission shall receive and investigate complaints of violations of this subsection.

Section 4. Section 350.04, Florida Statutes, is amended to read:

350.04 Qualifications of commissioners; training and continuing education.—

(1) A commissioner may not, at the time of appointment or during his or her term of office:

(a)~~(1)~~ Have any financial interest, other than ownership of shares in a mutual fund, in any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, in any public utility regulated by the commission, or in any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission.

(b)~~(2)~~ Be employed by or engaged in any business activity with any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, by any public utility regulated by the commission, or by any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission.

(2) Each person recommended for appointment to the Public Service Commission by the Public Service Commission Nominating Council must:

(a) Have earned at least a baccalaureate degree from an institution of higher learning accredited by a regional or national accrediting body; and

(b) Possess a minimum of 10 years of professional experience, or a minimum of 6 years of professional experience if the person has earned an advanced degree, in one or more of the following:

1. Energy or electric industry issues.
2. Telecommunications issues.
3. Water and sewer industry issues.
4. Finance.
5. Economics.
6. Accounting.
7. Engineering.
8. Law.

(3) Notwithstanding subsection (2), the council may recommend a person for appointment to the commission if it determines that the person has professional experience of a quality and duration substantial enough to prepare the person to perform the duties of a public service commissioner and functionally equivalent to the standards set forth in subsection (2). The nomination of a person under this subsection who would not otherwise qualify for nomination under subsection (2) shall require a two-thirds vote of the council and shall be accompanied by a written justification for the nomination.

(4) Before voting on any matter before the commission, each person appointed to the commission after July 1, 2010, shall complete a comprehensive course of study, developed by the commission's executive director and general counsel in coordination with the National Association of Regulatory Utility Commissioners Subcommittee on Education and Research, that addresses the substantive matters within the jurisdiction of the commission, administrative law applicable to commission proceedings, and standards of conduct applicable to commissioners. Thereafter, each commissioner must annually complete no less than 10 hours of continuing professional education directly related to substantive matters within the jurisdiction of the commission.

(5) No less than once every 12 months, each commissioner and commission employee shall receive training, in a form developed by the commission's executive director and general counsel, that addresses the ethical standards of conduct applicable to commissioners and the commission's staff.

(6) The chair of the commission shall certify the commission's compliance with these requirements, and each commissioner shall certify his or her individual compliance with the continuing professional education requirements provided in subsection (4). Each certification of compliance shall be provided to the President of the Senate and the Speaker of the House of Representatives.

Section 5. Section 350.041, Florida Statutes, is amended to read:

350.041 Commissioners; standards of conduct.—

(1) STATEMENT OF INTENT.—

(a) Professional, impartial, and honorable commissioners are indispensable to the effective performance of the commission's duties. A commissioner shall maintain high standards of conduct and shall personally observe those standards so that the integrity and impartiality of the commission may be preserved. The standards of conduct provided in this section should be construed and applied to further that objective.

(b) In addition to the provisions of part III of chapter 112, which are applicable to public service commissioners by virtue of their being public officers and full-time employees of the legislative branch of government, the conduct of public service commissioners shall be governed by the standards of conduct provided in this section. Nothing shall prohibit the standards of conduct from being more restrictive than part III of chapter 112. Further, this section shall not be construed to contravene the restrictions of part III of chapter 112. In the event of a conflict between this section and part III of chapter 112, the more restrictive provision shall apply.

(2) STANDARDS OF CONDUCT.—

(a) A commissioner may not accept anything from any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, from any public utility regulated by the commission, or from any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission. A commissioner may attend conferences and associated meals and events that are generally available to all conference participants without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any public utility regulated by the commission and that are limited to commissioners only, committee members, or speakers if the commissioner is a member of a committee of the association of regulatory agencies that organized the conference or is a speaker at the conference. It is not a violation of this paragraph for a commissioner to attend a conference for which conference participants who are employed by a utility regulated by the commission have paid a higher conference registration fee than the commissioner, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee and that is sponsored, in whole or in part, by a utility regulated by the commission. If, during the course of an investigation by the Commission on Ethics into an alleged violation of this paragraph, allegations are made as to the identity of the person giving or providing the prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to

present a defense. If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.

(b) A commissioner may not accept any form of employment with or engage in any business activity with any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, any public utility regulated by the commission, or any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission.

(c) A commissioner may not have any financial interest, other than shares in a mutual fund, in any public utility regulated by the commission, in any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, or in any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission. If a commissioner acquires any financial interest prohibited by this section during his or her term of office as a result of events or actions beyond the commissioner's control, he or she shall immediately sell such financial interest or place such financial interest in a blind trust at a financial institution. A commissioner may not attempt to influence, or exercise any control over, decisions regarding the blind trust.

(d) A commissioner may not accept anything from a party in a proceeding currently pending before the commission. If, during the course of an investigation by the Commission on Ethics into an alleged violation of this paragraph, allegations are made as to the identity of the person giving or providing the prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.

(e) A commissioner may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

(f) A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 currently pending before the commission.

(g) A commissioner may not conduct himself or herself in an unprofessional manner at any time during the performance of his or her official duties.

(h) The chair shall require order and decorum in proceedings before the commission. In the absence of the chair, the commissioner presiding over a commission proceeding shall require order and decorum in the proceeding.

(i) A commissioner shall be patient, dignified, and courteous to litigants, other commissioners, witnesses, lawyers, commission staff, and others with whom the commissioner deals in an official capacity.

(j) A commissioner shall perform his or her official duties without bias or prejudice. A commissioner may not, in the performance of his or her official duties, by words or conduct manifest bias or prejudice.

(k) A commissioner may not, with respect to parties or classes of parties, cases, controversies, or issues likely to come before the commission, make pledges, promises, or commitments that are inconsistent with the impartial performance of the commissioner's official duties.

(l) A commissioner may not be swayed by partisan interests, public clamor, or fear of criticism.

(m)~~(h)~~ A commissioner must avoid impropriety in all of his or her activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.

(n)~~(i)~~ A commissioner may not directly or indirectly, through staff or other means, solicit anything of value from any public utility regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

(3) INVESTIGATIONS; REPORTS; ADVISORY OPINIONS.—

(a) The Commission on Ethics shall accept and investigate any alleged violations of this section pursuant to the procedures contained in ss. 112.322-112.3241.

(b) The Commission on Ethics shall provide the Governor and the Florida Public Service Commission Nominating Council with a report of its findings and recommendations with respect to alleged violations by a public service commissioner. The Governor is authorized to enforce these ~~the~~ findings and recommendations ~~of the Commission on Ethics,~~ pursuant to part III of chapter 112.

(c) A public service commissioner, a commission employee, or a member of the Florida Public Service Commission Nominating Council may request an advisory opinion from the Commission on Ethics, pursuant to s. 112.322(3)(a), regarding the standards of conduct or prohibitions set forth in this section and ss. 350.031, 350.04, and 350.042.

Section 6. Section 350.042, Florida Statutes, is amended to read:

350.042 Ex parte communications.—

(1) Each ~~A~~ commissioner and member of a commissioner's direct staff shall ~~should~~ accord to every person who is a party to or is registered with the commission as an interested person in a proposed agency action proceeding, or who is a party to a proceeding under s. 120.565, s. 120.569, or s. 120.57 ~~legally interested in a proceeding~~, or the person's lawyer, full right to be heard according to law, and, except as authorized by law, shall not ~~neither~~ initiate, solicit, or ~~nor~~ consider ex parte communications concerning a pending proposed agency action ~~the merits, threat, or offer of reward in any~~ proceeding or a proceeding under s. 120.565, s. 120.569, or s. 120.57 ~~other than a proceeding under s. 120.54 or s. 120.565, workshops, or internal affairs meetings~~. No individual shall discuss ex parte with a commissioner or a member of a commissioner's direct staff the merits of any issue that he or she reasonably foresees ~~knows~~ will be filed with the commission ~~within 90 days~~. ~~The provisions of this subsection shall not apply to commission staff.~~

(a) As used in this section, the term "ex parte communication" means any communication that:

1. If it is a written or printed communication or a communication in electronic form, is not served on all parties to a proceeding; or

2. If it is an oral communication, is made without adequate notice to the parties and without an opportunity for the parties to be present and heard.

(b) Where circumstances require, ex parte communications concerning scheduling, administrative purposes, or emergencies that do not deal with substantive matters or issues on the merits are authorized, if:

1. The commissioner or member of a commissioner's direct staff reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication; and

2. The commissioner or member of a commissioner's direct staff makes provision promptly to notify all parties of the substance of the ex parte communication and, where possible, allows an opportunity to respond.

(2) The provisions of this section shall not prohibit an individual residential ratepayer from communicating with a commissioner or member of a commissioner's direct staff, provided that the ratepayer is representing only himself or herself, without compensation.

(3) This section shall not apply to oral communications or discussions in scheduled and noticed open public meetings of educational programs or of a conference or other meeting of an association of regulatory agencies.

(4) If a commissioner or member of a commissioner's direct staff knowingly receives an ex parte communication prohibited by this section ~~relative to a proceeding other than as set forth in subsection (1)~~, to which he or she is assigned, he or she must place on the record of the proceeding copies of all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received and all oral responses made, and shall give written notice to all parties to the communication that such matters have been placed on the record. Any party to the proceeding who desires to respond to the ~~an ex parte~~ communication may do so. The response must be received by the commission within 10 days after receiving notice that the ~~ex parte~~ communication has been placed on the record. The commissioner may, if he

or she deems it necessary to eliminate the effect of an ex parte communication received by him or her, withdraw from the proceeding, in which case the chair shall substitute another commissioner for the proceeding.

(5) Any individual who makes an ex parte communication prohibited by this section shall submit to the commission a written statement describing the nature of such communication, to include the name of the person making the communication, the name of each ~~the~~ commissioner or direct staff member of a commissioner ~~commissioners~~ receiving the communication, copies of all written communications made, all written responses to such communications, and a memorandum stating the substance of all oral communications received and all oral responses made. The commission shall place on the record of a proceeding all such communications.

(6) Any commissioner or member of a commissioner's direct staff who knowingly fails to place on the record any ex parte communication prohibited by this section ~~such communications~~, in violation of this ~~the~~ section, within 15 days after ~~of~~ the date of the ~~such~~ communication is subject to removal or dismissal and may be assessed a civil penalty not to exceed $5,000. Any individual who knowingly fails to comply with subsection (5) may be assessed a civil penalty not to exceed $5,000.

(7)(a) It is ~~shall be~~ the duty of the Commission on Ethics to receive and investigate sworn complaints of violations of this section pursuant to the procedures contained in ss. 112.322-112.3241.

(b) If the Commission on Ethics finds that there has been a violation of this section by a public service commissioner or member of a commissioner's direct staff, it shall provide the Governor and the Florida Public Service Commission Nominating Council with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to part III of chapter 112.

(c) If a commissioner, a member of a commissioner's direct staff, or other individual fails or refuses to pay the Commission on Ethics any civil penalties assessed pursuant to ~~the provisions of~~ this section, the Commission on Ethics may bring an action in any circuit court to enforce the ~~such~~ penalty.

(d) If, during the course of an investigation by the Commission on Ethics into an alleged violation of this section, allegations are made as to the identity of the person who participated in the ex parte communication, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person participated in the ex parte communication, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.

Section 7. Subsections (1), (2), and (3) of section 350.06, Florida Statutes, are amended to read:

350.06 Place of meeting; expenditures; employment of personnel; records availability and fees.—

(1) The offices of the commission ~~said commissioners~~ shall be in the vicinity of Tallahassee, but the commissioners may hold sessions anywhere in the state at their discretion.

(2) All sums of money authorized to be paid on account of the commission ~~said commissioners~~ shall be paid out of the State Treasury only on the order of the Chief Financial Officer.

(3)(a) The commission shall ~~commissioners may~~ employ an executive director, a general counsel, and an inspector general ~~clerical, technical, and professional personnel reasonably necessary for the performance of their duties and may also employ one or more persons capable of stenographic court reporting, to be known as the official reporters of the commission~~. Selection of the executive director shall be subject to confirmation by the Senate. Until such time as the Senate confirms the selection of the executive director, the individual selected shall perform the functions of the position. If the Senate refuses to confirm or fails to consider the selection during its next regular session, the commission shall, within 30 days, select another individual for Senate confirmation. This process shall continue until the Senate has confirmed a selection. In case of a vacancy in the position of executive director, the commission shall select a new executive director in the same manner as the original selection.

(b) Each commissioner may employ a chief advisor and an executive assistant to serve as the direct staff of the commissioner.

(c) Notwithstanding any other provision of law, the executive director shall employ clerical, technical, and professional personnel reasonably necessary to assist the commission in the performance of its duties, and may employ one or more persons capable of stenographic court reporting, to be known as the official reporters of the commission. The executive director shall have sole authority with respect to employment, compensation, supervision, and direction of agency personnel other than those personnel employed by the commission and individual commissioners under paragraphs (a) and (b).

(d) The general counsel shall, in consultation with the executive director, employ attorneys, paralegals, legal secretaries, and other personnel reasonably necessary to assist the commission in the performance of its duties.

Section 8. Section 350.122, Florida Statutes, is created to read:

350.122 Testimony; public disclosure of affiliation.—

(1) Each person offering testimony at a meeting, workshop, hearing, or other scheduled event of the commission shall disclose any financial or fiduciary relationship with any party to the proceedings at the time the testimony is provided to the commission.

(2) The determination by the commission that a person has knowingly violated this section constitutes agency action for which a hearing may be sought under chapter 120.

Section 9. Prior to the 2011 Regular Session, the Legislature intends to study and evaluate the structure and processes of the Public Service Commission and any related matters to determine whether the commission should be restructured in a manner that establishes the commission's primary role as an independent and impartial decisionmaking body, enhances due process for all persons involved in commission proceedings, ensures that a public interest position will be presented in commission proceedings, and allows commission staff to freely gather information necessary to advise the commission and advocate for the public interest, while ensuring that the staff is not used as a conduit for prohibited ex parte communications. In cooperation with the Legislature, the commission's staff shall, as requested, provide assistance and information relevant to this study.

Section 10. This act shall take effect July 1, 2010.

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to reorganization of the Public Service Commission; amending s. 350.001, F.S.; revising legislative intent; amending s. 350.031, F.S.; revising requirements for nomination by the Public Service Commission Nominating Council for appointment to the commission; creating s. 350.035, F.S.; prohibiting attempts by certain persons to sway the judgment of commissioners; providing for the Commission on Ethics to receive and investigate complaints of violations pursuant to specified procedures; prohibiting commissioners from requiring or demanding that certain commission staff pursue particular positions or courses of action; requiring the inspector general of the commission to investigate complaints of violations; amending s. 350.04, F.S.; providing requirements for nomination by the Public Service Commission Nominating Council for appointment to the commission; requiring commissioners to complete a course of study developed by the executive director and general counsel; requiring commissioners to complete continuing education; providing training requirements for commissioners and commission employees; requiring certifications of compliance to be provided to the Legislature; amending s. 350.041, F.S.; revising legislative intent; revising standards of conduct for commissioners; revising provisions for investigation and reports by the Commission on Ethics of alleged violations; authorizing commission employees to request opinions from the Commission on Ethics; amending s. 350.042, F.S.; revising provisions for communications concerning agency action proceedings and proceedings under specified provisions; providing for application of such provisions to members of a commissioner's direct staff; revising restrictions on such communications by commissioners and their direct staff; defining the term "ex parte communication"; providing a civil penalty; amending s. 350.06, F.S.; revising provisions for the offices of the commission, payment of moneys, and employment of personnel; creating s.

350.122, F.S.; requiring persons testifying before the Public Service Commission to disclose certain financial and fiduciary relationships; providing that a determination by the commission that a violation occurred constitutes agency action for which a hearing may be sought; providing legislative intent to evaluate and study the structure and processes of the Public Service Commission; providing an effective date.

Rep. Precourt moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 7177—A bill to be entitled An act relating to water resources; amending s. 373.227, F.S.; revising provisions of the comprehensive statewide water conservation program to provide for a Conserve Florida Clearinghouse and a Conserve Florida Clearinghouse Guide to assist public water supply utilities in developing goal-based water conservation plans to meet water conservation requirements for obtaining consumptive use permits; encouraging water management districts and public water supply utilities to use the guide for water conservation plans, reports, evaluations, and assessments; revising requirements for goal-based water conservation plans submitted by public water supply utilities as part of consumptive use permit applications; deleting an obsolete provision requiring the Department of Environmental Protection to submit a report on the program to the Governor, the Legislature, and substantive legislative committees by a specified date; amending s. 298.66, F.S.; revising provisions prohibiting the obstruction of certain drainage works; amending s. 373.0361, F.S.; providing for the inclusion of wastewater utilities, reuse utilities, and the department in the regional water supply planning process; amending s. 373.079, F.S.; revising provisions relating to the authority of a water management district governing board to employ an executive director, an inspector general, professional persons, and personnel; revising provisions authorizing a water management district governing board to delegate certain authority to the executive director; requiring the governing board to provide a process for referring certain denials to the board for final action; amending s. 373.083, F.S.; revising provisions authorizing a water management district governing board to delegate certain authority to the executive director; deleting a provision prohibiting governing board members from intervening in the review of certain applications; amending s. 373.085, F.S.; requiring water management districts and governmental agencies to encourage public-private partnerships for procurement of materials for infrastructure and restoration work projects; amending s. 373.118, F.S.; authorizing a water management district governing board to delegate certain authority to the executive director; requiring a water management district governing board to provide a process for referring application and petition denials to the board for final action; exempting such delegations from rulemaking under ch. 120; amending s. 373.236, F.S.; reducing the frequency of compliance reports during the term of a consumptive use permit; providing an exception; amending s. 373.250, F.S.; requiring water management districts, in consultation with the department, to adopt rules relating to reclaimed water feasibility evaluations for consumptive use permit applicants; providing rule requirements; encouraging reuse utilities and water management districts to periodically coordinate and share information relating to reclaimed water; requiring water management districts to initiate certain rulemaking by a specified date; amending s. 373.4135, F.S.; revising legislative intent relating to rules of the department and water management districts with respect to mitigation banks and offsite regional mitigation; providing for specified entities to voluntarily establish and operate certain mitigation projects; providing that memoranda of agreement for such projects are exempt from certain rule adoption; providing an effective date.

—was taken up, having been read the second time, temporarily postponed, and amended, earlier today.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 623—A bill to be entitled An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; including electronic textbooks in the definition of the term "adequate instructional materials"; requiring each district school board to provide technology as needed for its educational program; amending s. 1006.40, F.S.; authorizing the use of certain funds for the purchase of electronic textbooks by district school boards; providing for the purchase of electronic or computer hardware under certain conditions; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/CS/CS/HB 1569—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; removing a requirement that certain individuals participate in training prior to the filing of a charter school application; correcting cross-references to high school graduation requirements; revising provisions related to charter terms and charter renewals; providing definitions; providing requirements for designation as a high-performing charter school; authorizing a high-performing charter school to increase enrollment and receive capital outlay funds; authorizing a newly approved charter school operated by a high-performing education service provider to receive a 15-year initial charter and become a high-performing charter school; providing requirements for retention of designation as a high-performing charter school; revising requirements for providing financial statements to a sponsor; authorizing a governing body to oversee multiple charter schools; deleting obsolete provisions; authorizing preference for enrollment in a charter school-in-the workplace and a charter school-in-a-municipality for certain students; prohibiting school districts from requiring resignations from specified school district personnel who desire employment in a charter school; authorizing a nonprofit organization to operate multiple charter schools as a network of affiliated schools; revising requirements for the establishment of a charter school-in-the-workplace; providing that a charter school-in-the-workplace is eligible for capital outlay funding if it meets specified requirements; providing that charter schools shall receive certain federal funding for which they are eligible; revising provisions relating to charter school compliance with building codes and requirements; providing for an exemption from exactions; deleting provisions authorizing a charter school to appeal disputes over certain contracted services or contractual matters to the Charter School Appeal Commission; removing a reporting requirement relating to student assessment data; revising restrictions on the employment of relatives by charter school personnel; providing an exception; correcting a cross-reference relating to the disclosure of financial interests; conforming cross-references; amending s. 1013.62, F.S.; authorizing additional uses for charter school capital outlay funds; conforming cross-references; amending ss. 163.3180, 1002.32, 1002.34, 1002.345, 1011.68, and 1012.32, F.S.; conforming cross-references and provisions; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study comparing the funding of charter schools with traditional public schools and examining certain funding and costs; requiring recommendations to the Governor and Legislature, if warranted, for improving the accountability and equity of the funding system for charter schools; providing an effective date.

—was read the second time by title.

On motion by Rep. Stargel, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Stargel offered the following:

(Amendment Bar Code: 968547)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraphs (g) and (i) of subsection (9), paragraph (d) of subsection (10), paragraph (e) of subsection (12), paragraph (b) of subsection (15), and paragraph (b) of subsection (21) of section 1002.33, Florida Statutes, are amended, and paragraph (q) is added to subsection (9) of that section, to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

(g) In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

1. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or

2. At the discretion of the charter school governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this paragraph. A charter school shall provide a monthly financial statement to the sponsor, unless the charter school is designated as a high-performing charter school under paragraph (q), in which case the high-performing charter school shall provide a quarterly financial statement. The ~~monthly~~ financial statement required under this paragraph shall be in a form prescribed by the Department of Education.

(i) The governing body of the charter school shall exercise continuing oversight over charter school operations. A governing body may oversee more than one charter school in more than one school district.

(q)1. For purposes of this paragraph, the term:

a. "Entity" means a municipality or other public entity as authorized by law to operate a charter school; a private, not-for-profit, s. 501(c)(3) status corporation; or a private, for-profit corporation.

b. "High-performing education service provider" means an entity that:

(I) Operates at least two high-performing charter schools in this state;

(II) Has received a school grade of "A" or "B" during the previous 3 years for at least 75 percent of the charter schools operated by the entity in this state; and

(III) Has not received a school grade of "F" during any of the previous 3 years for any charter school operated by the entity in this state.

2. A charter school shall be designated as a high-performing charter school if during each of the previous 3 years the charter school:

a. Received a school grade of "A" or "B";

b. Received an unqualified opinion on each financial audit required under s. 218.39; and

c. Did not receive a financial audit that revealed one or more of the conditions set forth in s. 218.503(1).

3. A high-performing charter school may:

a. Increase the school's student enrollment once per year by up to 25 percent more than the capacity authorized pursuant to paragraph (10)(h).

b. Receive charter school capital outlay funds under s. 1013.62. A high-performing charter school is not required to comply with s. 1013.62(1)(a)1.-3. but must comply with all other requirements of s. 1013.62 in order to receive charter school capital outlay funds as provided in this sub-subparagraph.

4. A high-performing education service provider may submit an application pursuant to subsection (6) to establish and operate a new charter school that will replicate one or more of the provider's existing high-performing charter schools. Upon approval of the application by the sponsor, the new charter school shall be granted an initial charter for a term of 15 years and be designated as a high-performing charter school. The 15-year charter is subject to annual review and may be terminated during its term pursuant to subsection (8).

5.a. A charter school that is designated as a high-performing charter school may retain such designation pursuant to:

(I) Subparagraph 2. if the school's governing board, by July 1 of each year, demonstrates in writing to the school's sponsor that the charter school continues to meet the requirements of subparagraph 2.

(II) Subparagraph 4. during the school's initial 3 years of operation if the entity operating the school continues to meet the definition of a high-performing education service provider under sub-subparagraph 1.b. After the high-performing charter school has operated for 3 years, the school must comply with sub-sub-subparagraph (I) in order to retain its designation as a high-performing charter school.

b. The high-performing charter school designation shall be removed if the charter school does not meet the requirements of sub-subparagraph a.

(10) ELIGIBLE STUDENTS.—

(d) A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.

2. Students who are the children of a member of the governing board of the charter school.

3. Students who are the children of an employee of the charter school.

4. Students who are the children of an employee of a business or corporation that is in partnership with a charter school-in-the-workplace or students who are the children of a resident of a municipality that operates a charter school-in-a-municipality pursuant to subsection (15).

(12) EMPLOYEES OF CHARTER SCHOOLS.—

(e) Employees of a school district may take leave to accept employment in a charter school upon the approval of the district school board. While employed by the charter school and on leave that is approved by the district school board, the employee may retain seniority accrued in that school district and may continue to be covered by the benefit programs of that school district, if the charter school and the district school board agree to this arrangement and its financing. School districts shall not require resignations from instructional personnel, school administrators, or educational support employees who desire employment ~~of teachers desiring to teach~~ in a charter school. This paragraph shall not prohibit a district school board from approving alternative leave arrangements consistent with chapter 1012.

(15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-A-MUNICIPALITY.—

(b) A charter school-in-the-workplace may be established when a business partner or a municipality:

1. Provides one of the following:

a. Access to a ~~the~~ school facility to be used;

b. Resources that materially reduce the cost of constructing a school facility;

c. Land for a school facility; or

d. Resources to maintain a school facility;

2. Enrolls students based upon a random lottery that involves all of the children of employees of that business or corporation, or within that municipality, who are seeking enrollment, as provided for in subsection (10); and

3. Enrolls students according to the racial/ethnic balance provisions described in subparagraph (7)(a)8.

A charter school-in-the-workplace is eligible for charter school capital outlay funding if it meets the requirements in s. 1013.62. Any portion of a facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(b)1. The Department of Education shall report student assessment data pursuant to s. 1008.34(3)(c) which is reported to schools that receive a school grade or student assessment data pursuant to s. 1008.341(3) which is reported to alternative schools that receive a school improvement rating to each charter school that:

a. Does not receive a school grade pursuant to s. 1008.34 or a school improvement rating pursuant to s. 1008.341; and

b. Serves at least 10 students who are tested on the statewide assessment test pursuant to s. 1008.22.

2. The charter school shall report the information in subparagraph 1. to each parent of a student at the charter school, ~~the parent of a child on a waiting list for the charter school,~~ the district in which the charter school is located, and the governing board of the charter school. This paragraph does not abrogate the provisions of s. 1002.22, relating to student records, or the requirements of 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act.

3.a. Pursuant to this paragraph, the Department of Education shall compare the charter school student performance data for each charter school in subparagraph 1. with the student performance data in traditional public schools in the district in which the charter school is located and other charter schools in the state. For alternative charter schools, the department shall compare the student performance data described in this paragraph with all alternative schools in the state. The comparative data shall be provided by the following grade groupings:

(I) Grades 3 through 5;

(II) Grades 6 through 8; and

(III) Grades 9 through 11.

b. Each charter school shall provide the information specified in this paragraph on its Internet website and also provide notice to the public at large in a manner provided by the rules of the State Board of Education. The State Board of Education shall adopt rules to administer the notice requirements of this subparagraph pursuant to ss. 120.536(1) and 120.54. The website shall include, through links or actual content, other information related to school performance.

Section 2. (1) The Office of Program Policy Analysis and Government Accountability shall conduct a study comparing the funding of charter schools with traditional public schools and shall:

(a) Identify the school districts that distribute funds generated by the capital improvement millage authorized pursuant to s. 1011.71(2), Florida Statutes, to charter schools and the use of such funds by the charter schools.

(b) Determine the amount of funds that would be available to charter schools if school districts equitably distribute to district schools, including charter schools, funds generated by the capital improvement millage authorized pursuant to s. 1011.71(2), Florida Statutes.

(c) Examine the costs associated with supervising charter schools and determine whether the 5-percent administrative fee for administrative and educational services for charter schools covers the costs associated with the provision of the services.

(2) The Office of Program Policy Analysis and Government Accountability shall make recommendations, if warranted, for improving the accountability and equity of the funding system for charter schools based on the findings of the study. The results of the study shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 1, 2011.

Section 3. This act shall take effect July 1, 2010.

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to charter schools; amending s. 1002.33, F.S.; revising requirements for providing financial statements to the sponsor of a charter school; authorizing a governing body to oversee multiple charter schools; providing requirements for designation as a high-performing charter school; authorizing a high-performing charter school to increase enrollment and receive capital outlay funds; authorizing a newly approved charter school operated by a high-performing education service provider to receive a 15-year initial charter and become a high-performing charter school; providing requirements for retention of designation as a high-performing charter school; authorizing preference for enrollment in a charter school-in-the-workplace and a charter school-in-a-municipality for certain students; prohibiting school districts from requiring resignations from specified school district personnel who desire employment in a charter school; revising requirements for the establishment of a charter school-in-the-workplace; providing that a charter school-in-the-workplace is eligible for capital outlay funding if it meets specified requirements; removing a reporting requirement relating to student assessment data; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study comparing the funding of charter schools with traditional public schools and examining certain funding and costs; requiring recommendations to the Governor and Legislature, if warranted, for improving the accountability and equity of the funding system for charter schools; providing an effective date.

Rep. Stargel moved the adoption of the amendment.

Rep. Jones moved that a late-filed amendment to the amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Further consideration of **CS/CS/CS/HB 1569**, with pending amendment, was temporarily postponed.

On motion by Rep. Galvano, the House agreed to advance to the order of business of—

House Resolutions

Rep. McBurney moved that the House take up HR 9007 and read it the second time by title. The motion was agreed to.

HR 9007—A resolution recognizing and honoring the outstanding public service and lifetime achievements of Frederick H. Schultz.

WHEREAS, Frederick H. Schultz, a Jacksonville native born on January 16, 1929, was a graduate of Jacksonville's Bolles School and Princeton University and attended the University of Florida College of Law, and

WHEREAS, before entering law school, Frederick H. Schultz joined the United States Army, serving as an artillery officer in the Korean Conflict and earning a Bronze Star, and

WHEREAS, Frederick H. Schultz embarked on a remarkable business career that included founding Florida Wire and Cable, Platt Pontiac, and Florida Trend Magazine and serving as a director of Barnett Bank, American Heritage Life, Southeast Atlantic Beverage, Transco Energy, and Florida Steel, and

WHEREAS, Frederick H. Schultz was elected to the Florida House of Representatives in 1963, where his leadership abilities were immediately recognized and he enjoyed a rapid rise to prominence, culminating with his election as Speaker of the House of Representatives in 1968, and

WHEREAS, a longtime advocate of education, Frederick H. Schultz sponsored legislation that created the University of North Florida and what is now Florida State College at Jacksonville and worked to improve the method for funding public education, and

WHEREAS, focused on education as a vehicle for improving the community, Frederick H. Schultz established the Schultz Center for Teaching and Leadership, a professional development facility for teachers and school leaders in Northeast Florida, and

WHEREAS, United States President Jimmy Carter nominated Frederick H. Schultz to the Federal Reserve Board and, as President Carter's "right-hand man at the Fed" from 1979 to 1982, Frederick H. Schultz helped set the nation's monetary policy, and

WHEREAS, during his many years of service to his community, Frederick H. Schultz served as Chairman of the Jacksonville Area Chamber of Commerce and spearheaded the founding of Leadership Jacksonville and the Jacksonville Community Council, and

WHEREAS, Frederick H. Schultz died on November 23, 2009, leaving a distinguished legacy of excellence in business and public service to community, state, and country, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes and honors the outstanding public service and lifetime achievements of Frederick H. Schultz.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mrs. Nancy Schultz as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. McBurney, the resolution was adopted.

On motion by Rep. McBurney, the board was opened [Session Vote Sequence: 914] and the following members were recorded as cosponsors of the resolution, along with Rep. McBurney: Reps. Adams, Ambler, Anderson, Aubuchon, Bembry, Bogdanoff, Bovo, Boyd, Brandenburg, Braynon, Brisé, Bullard, Burgin, Bush, Carroll, Chestnut, Clarke-Reed, Coley, Cretul, Crisafulli, Cruz, Domino, Dorworth, Drake, Eisnaugle, Evers, Fetterman, Fitzgerald, Flores, Ford, Gaetz, Galvano, Garcia, Gibbons, Gibson, Glorioso, Gonzalez, Grady, Hasner, Hays, Heller, Holder, Homan, Hooper, Horner, Hukill, Jenne, Jones, Kelly, Kiar, Kreegel, Legg, Llorente, Long, Lopez-Cantera, Mayfield, McKeel, Murzin, Nehr, Nelson, O'Toole, Pafford, Patronis, Patterson, Planas, Poppell, Porth, Precourt, Proctor, Rader, Randolph, Ray, Reagan, Reed, Rehwinkel Vasilinda, Rivera, Robaina, K. Roberson, Y. Roberson, Rogers, Rouson, Sachs, Sands, Saunders, Schenck, Schultz, Schwartz, Skidmore, Stargel, Steinberg, Taylor, G. Thompson, N. Thompson, Thurston, Tobia, Troutman, Van Zant, Waldman, Weatherford, Weinstein, A. Williams, T. Williams, Wood, Workman, and Zapata.

On motion by Rep. Galvano, the House advance to the order of business of—

Special Orders

CS/CS/CS/HB 1569—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; removing a requirement that certain individuals participate in training prior to the filing of a charter school application; correcting cross-references to high school graduation requirements; revising provisions related to charter terms and charter renewals; providing definitions; providing requirements for designation as a high-performing charter school; authorizing a high-performing charter school to increase enrollment and receive capital outlay funds; authorizing a newly approved charter school operated by a high-performing education service provider to receive a 15-year initial charter and become a high-performing charter school; providing requirements for retention of designation as a high-performing charter school; revising requirements for providing financial statements to a sponsor; authorizing a governing body to oversee multiple charter schools; deleting obsolete provisions; authorizing preference for enrollment in a charter school-in-the workplace and a charter school-in-a-municipality for certain students; prohibiting school districts from requiring resignations from specified school district personnel who desire employment in a charter school; authorizing a nonprofit organization to operate multiple charter schools as a network of affiliated schools; revising requirements for the establishment of a charter school-in-the-workplace; providing that a charter school-in-the-workplace is eligible for capital outlay funding if it meets specified requirements; providing that charter schools shall receive certain federal funding for which they are eligible; revising provisions relating to charter school compliance with building codes and requirements; providing for an exemption from exactions; deleting provisions authorizing a charter school to appeal disputes over certain contracted services or contractual matters to the Charter School Appeal Commission; removing a reporting requirement relating to student assessment data; revising restrictions on the employment of relatives by charter school personnel; providing an exception; correcting a cross-reference relating to the disclosure of financial interests; conforming cross-references; amending s. 1013.62, F.S.; authorizing additional uses for charter school capital outlay funds; conforming cross-references; amending ss. 163.3180, 1002.32, 1002.34, 1002.345, 1011.68, and 1012.32, F.S.; conforming cross-references and provisions; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study comparing the funding of charter schools with traditional public schools and examining certain funding and costs; requiring recommendations to the Governor and Legislature, if warranted, for improving the accountability and equity of the funding system for charter schools; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Stargel to adopt **Amendment 1**.

Rep. Jones moved that a late-filed amendment to the amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

The question recurred on the adoption of **Amendment 1**, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 1619 was temporarily postponed.

CS/CS/HB 1061 was temporarily postponed.

CS/CS/HB 709 was temporarily postponed.

CS/CS/CS/HB 981—A bill to be entitled An act relating to agriculture; amending s. 193.461, F.S.; clarifying that land classified as agricultural retains that classification when offered for sale under certain circumstances; providing for retroactive application; providing the methodology for assessing certain structures and improvements used for horticultural production; amending s. 369.20, F.S.; authorizing the Fish and Wildlife Conservation Commission to enter into an agreement with the Department of Environmental Protection for the uniform regulation of pesticides applied to waters of the state; revising exemptions from water pollution permits; amending s. 403.088, F.S.; providing permits for applying pesticides to the waters of the state; requiring the Department of Environmental Protection to enter into agreements with the Department of Agriculture and Consumer Services and the commission for the uniform regulation of pesticides applied to the waters of the state; authorizing temporary deviations from certain rule provisions adopted by the Department of Environmental Protection for certain pesticides under certain conditions; amending s. 487.163, F.S.; requiring the Department of Agriculture and Consumer Services to enter into an agreement with the Department of Environmental Protection for the uniform regulation of pesticides applied to the waters of the state; amending s. 573.112, F.S.; providing that the Citrus Research and Development Foundation shall provide advice to the Department of Agriculture and Consumer Services with respect to citrus research marketing orders, conduct citrus research, and perform other duties assigned by the department; amending s. 573.118, F.S.; providing for the deposit of certain agricultural assessments; revising the assessment rate on citrus fruit; amending s. 581.031, F.S.; expanding the type of research projects that may be conducted by the Department of Agriculture and Consumer Services; amending s. 601.07, F.S.; revising the location of the executive offices of the Department of Citrus; providing an effective date.

—was read the second time by title.

On motion by Rep. Glorioso, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Glorioso offered the following:

(Amendment Bar Code: 136537)

Amendment 1—Remove lines 87-89 and insert:

3. Structures or improvements used in horticultural production for frost or freeze protection, which structures or improvements are consistent with the

Rep. Glorioso moved the adoption of the amendment, which was adopted.

Representative Boyd offered the following:

(Amendment Bar Code: 948031)

Amendment 2 (with title amendment)—Between lines 263 and 264, insert:

Section 10. The Department of Agriculture and Consumer Services shall meet with duly authorized representatives of established organizations representing the state's pest control industry and shall prepare and submit a report to the President of the Senate, the Speaker of the House of

Representatives, the chair of the Senate Committee on Agriculture, and the chair of the House Committee on Agribusiness by January 1, 2011. The report shall include recommended amendments to chapter 482, Florida Statutes, that provide for disciplinary action to be taken against licensees who violate laws or rules pertaining to the pretreatment of soil to protect newly constructed homes, pest control at sensitive facilities such as schools and nursing homes, and the fumigation of existing homes for protection against termite damage, thereby providing additional safeguards for consumers. The report may also address other issues of concern to the department and to members of the industry, such as changes to requirements for professional liability insurance coverage or the amount of bond required, duties and responsibilities of a certified operator, issuance of a centralized pest control service center license, and limited certification for commercial wildlife management personnel.

T I T L E A M E N D M E N T

Between lines 37 and 38, insert:
requiring the department and representatives of the state pest control industry to submit a report to the Legislature; requiring that the report include recommendations for changes in the law to provide for disciplinary action against licensees of the pest control industry under certain circumstances; providing that the report may also address additional issues of concern to the department and members of the industry;

Rep. Boyd moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 7103—A bill to be entitled An act relating to agriculture; amending s. 163.3162, F.S.; prohibiting a county from enforcing certain limits on the activity of a bona fide farm operation on agricultural land under certain circumstances; prohibiting a county from charging agricultural lands for stormwater management assessments and fees under certain circumstances; allowing an assessment to be collected if credits against the assessment are provided for implementation of best management practices; providing exemptions from certain restrictions on a county's powers over the activity on agricultural land; providing a definition; providing for application; creating s. 163.3163, F.S.; creating the "Agricultural Land Acknowledgement Act"; providing legislative findings and intent; providing definitions; requiring an applicant for certain development permits to sign and submit an acknowledgement of certain contiguous agricultural lands as a condition of the political subdivision issuing the permits; specifying information to be included in the acknowledgement; requiring that the acknowledgement be recorded in the official county records; authorizing the Department of Agriculture and Consumer Services to adopt rules; amending s. 205.064, F.S.; authorizing a person selling certain agricultural products who is not a natural person to qualify for an exemption from obtaining a local business tax receipt; amending s. 322.01, F.S.; revising the term "farm tractor" for purposes of drivers' licenses; amending s. 604.15, F.S.; revising the term "agricultural products" to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; amending s. 604.50, F.S.; exempting farm fences from the Florida Building Code; revising the term "nonresidential farm building"; exempting nonresidential farm buildings and farm fences from county and municipal codes and fees; specifying that the exemptions do not apply to code provisions implementing certain floodplain regulations; amending s. 624.4095, F.S.; requiring that gross written premiums for certain crop insurance not be included when calculating the insurer's gross writing ratio; requiring that liabilities for ceded reinsurance premiums be netted against the asset for amounts recoverable from reinsurers; requiring that insurers who write other insurance products disclose a breakout of the gross written premiums for crop insurance; amending s. 823.145, F.S.; expanding the materials used in agricultural operations that may be disposed of by open burning; providing certain limitations on open burning; providing an effective date.

—was read the second time by title.

Representative Williams, T. offered the following:

(Amendment Bar Code: 958785)

Amendment 1—Remove line 252 and insert:
the roads of this state only incidentally for transportation

Rep. T. Williams moved the adoption of the amendment, which was adopted.

Representative Williams, T. offered the following:

(Amendment Bar Code: 682829)

Amendment 2—Remove line 299 and insert:
(7) For purposes of ss. 624.407 and 624.408 and this section, with

Rep. T. Williams moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 1001 was temporarily postponed.

CS/CS/CS/HB 1445—A bill to be entitled An act relating to agriculture; creating s. 15.0455, F.S.; designating the Florida Agricultural Museum in Flagler County as the official state agricultural museum; amending s. 369.20, F.S.; authorizing the Fish and Wildlife Conservation Commission to enter into an agreement with the Department of Environmental Protection for the uniform regulation of pesticides applied to the waters of the state; revising exemptions from water pollution permits; amending s. 373.1391, F.S.; requiring water management districts to give priority to the agricultural use of certain parcels for purposes of management of such parcels; amending s. 403.088, F.S.; providing permits for applying pesticides to the waters of the state; requiring the Department of Environmental Protection to enter into agreements with the Department of Agriculture and Consumer Services and the commission for the uniform regulation of pesticides applied to the waters of the state; authorizing temporary deviations from certain rule provisions adopted by the Department of Environmental Protection for certain pesticides under certain conditions; amending s. 403.9336, F.S.; revising a reference to the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes; amending s. 403.9337, F.S.; providing for amendment of the model ordinance by the Department of Environmental Protection; revising the criteria for a local government's adoption of additional or more stringent standards; providing exemptions; amending s. 487.163, F.S.; requiring the Department of Agriculture and Consumer Services to enter into an agreement with the Department of Environmental Protection for the uniform regulation of pesticides applied to the waters of the state; amending s. 493.6102, F.S.; specifying that provisions regulating security officers do not apply to certain law enforcement, correctional, and probation officers performing off-duty activities; amending s. 493.6105, F.S.; revising the application requirements and procedures for certain private investigative, private security, recovery agent, and firearm licenses; specifying application requirements for firearms instructor licenses; amending s. 493.6106, F.S.; revising citizenship requirements and documentation for certain private investigative, private security, and recovery agent licenses; prohibiting the licensure of applicants for a statewide firearm license or firearms instructor license who are prohibited from purchasing or possessing firearms; requiring that private investigative, security, and recovery agencies notify the Department of Agriculture and Consumer Services of changes to their branch office locations; amending s. 493.6107, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6108, F.S.; revising requirements for criminal history checks of license applicants whose fingerprints are not legible; requiring the investigation of the mental and emotional fitness of applicants for firearms instructor licenses; amending s. 493.6111, F.S.; requiring a security officer school or recovery agent school to obtain the department's approval for use of a fictitious name; specifying that a

licensee may not conduct business under more than one fictitious name; amending s. 493.6113, F.S.; revising application renewal procedures and requirements; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing disciplinary action against statewide firearm licensees and firearms instructor licensees who are prohibited from purchasing or possessing firearms; conforming a cross-reference; amending s. 493.6121, F.S.; deleting provisions for the department's access to certain criminal history records provided to licensed gun dealers, manufacturers, and exporters; amending s. 493.6202, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6203, F.S.; prohibiting bodyguard services from being credited toward certain license requirements; revising the training requirements for private investigator intern license applicants; requiring the automatic suspension of an intern's license under certain circumstances; providing an exception; amending s. 493.6302, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6303, F.S.; revising the training requirements for security officer license applicants; amending s. 493.6304, F.S.; revising application requirements and procedures for security officer school licenses; amending s. 493.6401, F.S.; revising terminology for recovery agent schools and training facilities; amending s. 493.6402, F.S.; revising terminology for recovery agent schools and training facilities; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6406, F.S.; revising terminology; requiring the licensure of recovery agent schools and instructors; providing license application requirements and procedures; requiring license fees; amending s. 500.033, F.S.; revising the membership of the Florida Food Safety and Food Defense Advisory Council; amending ss. 501.605 and 501.607, F.S.; revising application requirements for commercial telephone seller and salesperson licenses; amending s. 501.913, F.S.; specifying the sample size required for an antifreeze registration application; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 525.09, F.S.; imposing an inspection fee on certain alternative fuels containing alcohol; amending s. 526.50, F.S.; defining terms applicable to regulation of the sale of brake fluid; amending s. 526.51, F.S.; revising brake fluid permit application requirements; amending s. 526.52, F.S.; revising requirements for printed statements on brake fluid containers; amending s. 526.53, F.S.; revising requirements and procedures for brake fluid stop-sale orders; authorizing businesses to dispose of unregistered brake fluid under certain circumstances; amending s. 527.0201, F.S.; revising requirements for liquefied petroleum gas qualifying examinations; increasing continuing education requirements for certain liquefied petroleum gas qualifiers; amending s. 527.12, F.S.; providing for the issuance of certain stop orders; amending ss. 559.805 and 559.928, F.S.; deleting social security numbers as a listing requirement on registration affidavits for independent agents of sellers of business opportunities; amending s. 570.07, F.S.; revising the department's authority to enforce laws and rules relating to commercial stock feeds and commercial fertilizers; amending s. 570.0725, F.S.; revising provisions for public information about food banks and similar food recovery programs; authorizing the department to adopt rules; amending ss. 570.53 and 570.54, F.S.; conforming cross-references; amending s. 570.55, F.S.; revising requirements for identifying sellers or handlers of tropical or subtropical fruit or vegetables; amending s. 570.902, F.S.; conforming terminology to the repeal by the act of provisions establishing the Florida Agricultural Museum; amending s. 570.903, F.S.; revising provisions for direct-support organizations for certain agricultural programs to conform to the repeal by the act of provisions establishing the Florida Agricultural Museum; deleting provisions for a direct-support organization for the Florida State Collection of Arthropods; amending s. 573.118, F.S.; requiring the department to maintain records of marketing orders; requiring an audit at the request of an advisory council; requiring that the advisory council receive a copy of the audit within a specified time; amending s. 581.011, F.S.; deleting terminology relating to the Florida State Collection of Arthropods; revising the term "nursery" for purposes of plant industry regulations; amending s. 581.211, F.S.; increasing the maximum fine for violations of plant industry regulations; amending s. 583.13, F.S.; deleting a prohibition on the sale of poultry without displaying the poultry grade; amending s. 585.61, F.S.; designating an animal disease diagnostic laboratory complex in Osceola County as the "Bronson Animal Disease Diagnostic Laboratory"; amending s. 590.125, F.S.; revising terminology for open burning authorizations; specifying purposes of certified prescribed burning; requiring the authorization of the Division of Forestry for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring rules; authorizing the division to adopt rules regulating certified pile burning; revising notice requirements for wildfire hazard reduction treatments; providing for approval of local government open burning authorization programs; providing program requirements; authorizing the division to close local government programs under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing fines for violations of any division rule; providing penalties for certain violations; providing legislative intent; amending s. 599.004, F.S.; revising standards that a winery must meet to qualify as a certified Florida Farm Winery; amending s. 604.15, F.S.; revising the term "agricultural products" to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; defining the term "responsible position"; amending s. 604.19, F.S.; revising requirements for late fees on agricultural products dealer applications; amending s. 604.25, F.S.; revising conditions under which the department may deny, refuse to renew, suspend, or revoke agricultural products dealer licenses; deleting a provision prohibiting certain persons from holding a responsible position with a licensee; amending s. 616.242, F.S.; authorizing the issuance of stop-operation orders for amusement rides under certain circumstances; amending s. 624.4095, F.S.; requiring that gross written premiums for certain crop insurance not be included when calculating the insurer's gross writing ratio; requiring that liabilities for ceded reinsurance premiums be netted against the asset for amounts recoverable from reinsurers; requiring that insurers who write other insurance products disclose a breakout of the gross written premiums for crop insurance; amending s. 686.201, F.S.; exempting contracts involving a seller of travel from requirements for certain sales representative contracts; amending s. 790.06, F.S.; authorizing a concealed firearm license applicant to submit fingerprints administered by the Division of Licensing; creating s. 828.126, F.S.; defining the term "sexual activities"; prohibiting a person from knowingly engaging in sexual activities with an animal; prohibiting certain acts related to sexual activities with animals; providing penalties; providing exemptions; repealing ss. 570.071 and 570.901, F.S., relating to the Florida Agricultural Exposition and the Florida Agricultural Museum; providing an effective date.

—was read the second time by title.

Representative Nelson offered the following:

(Amendment Bar Code: 638929)

Amendment 1 (with title amendment)—Remove lines 210-212 and insert:

15.0455 Official state agricultural museum.—

(1) The Florida Agricultural Museum in Flagler County is designated as the official state agricultural museum.

(2) This section is repealed July 1, 2020, unless reviewed and reenacted by the Legislature before that date.

T I T L E A M E N D M E N T

Remove line 4 and insert:

County as the official state agricultural museum; providing for future repeal; amending

Rep. Nelson moved the adoption of the amendment, which was adopted.

Representative Nelson offered the following:

(Amendment Bar Code: 576965)

Amendment 2—Remove lines 432-434 and insert:
engaged in her or his official duties or when performing off-duty as a security officer, if such activity is ~~activities~~ approved by her or his superiors.

Rep. Nelson moved the adoption of the amendment, which was adopted.

Representative Nelson offered the following:

(Amendment Bar Code: 674881)

Amendment 3—Remove lines 534-535 and insert:
law enforcement academy or agency, ~~state, county,~~ or a law enforcement ~~municipal police~~ academy in this state

Rep. Nelson moved the adoption of the amendment, which was adopted.

Representative Nelson offered the following:

(Amendment Bar Code: 830839)

Amendment 4—Remove lines 574-600 and insert:
issued ~~to seek employment in this country~~ by the United States ~~Bureau of~~ Citizenship and Immigration Services.

1. An applicant for a Class "C," Class "CC," Class "D," Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class "MB," Class "MR," or Class "RI" license who is not a United States citizen must submit proof of current employment authorization issued by the United States Citizenship and Immigration Services or proof that she or he is deemed a permanent legal resident alien by the United States Citizenship and Immigration Services.

2. An applicant for a Class "G" or Class "K" license who is not a United States citizen must submit proof that she or he is deemed a permanent legal resident alien by the United States Citizenship and Immigration Services, together with additional documentation establishing that she or he has resided in the state of residence shown on the application for at least 90 consecutive days before the date that the application is submitted.

3. An applicant for an agency or school license who is not a United States citizen or permanent legal resident alien must submit documentation issued by the United States Citizenship and Immigration Services stating that she or he is lawfully in the United States and is authorized to own and operate the type of agency or school for which she or he is applying. An employment authorization card issued by the United States Citizenship and Immigration Services is not

Rep. Nelson moved the adoption of the amendment, which was adopted.

Representative Nelson offered the following:

(Amendment Bar Code: 978117)

Amendment 5—Remove lines 859-935 and insert:
(b) Effective January 1, 2011 ~~September 1, 2008~~, before submission of an application to the department, the ~~an~~ applicant for a Class "CC" license must have completed a minimum of 40 ~~at least 24~~ hours of professional training ~~a 40-hour course~~ pertaining to general investigative techniques and this chapter, which course is offered by a state university or by a school, community college, college, or university under the purview of the Department of Education, and the applicant must pass an examination. The training must be provided in two parts, one 24-hour course and one 16-hour course. The certificate evidencing satisfactory completion of the 40 ~~at least 24~~ hours of professional training ~~a 40-hour course~~ must be submitted with the application for a Class "CC" license. ~~The remaining 16 hours must be completed and an examination passed within 180 days. If documentation of completion of the required training is not submitted within the specified timeframe, the individual's license is automatically suspended or his or her authority to work as a Class "CC" pursuant to s. 493.6105(9) is rescinded until such time as proof of certificate of completion is provided to the department.~~ The training ~~course~~ specified in this paragraph may be provided by face-to-face presentation, online technology, or a home study course in accordance with rules and procedures of the Department of Education. The administrator of the examination must verify the identity of each applicant taking the examination.

1. Upon an applicant's successful completion of each part of the approved training ~~course~~ and passage of any required examination, the school, community college, college, or university shall issue a certificate of completion to the applicant. The certificates must be on a form established by rule of the department.

2. The department shall establish by rule the general content of the professional training ~~course~~ and the examination criteria.

3. If the license of an applicant for relicensure is ~~has been~~ invalid for more than 1 year, the applicant must complete the required training and pass any required examination.

(c) An individual who submits an application for a Class "CC" license on or after September 1, 2008, through December 31, 2010, who has not completed the 16-hour course must submit proof of successful completion of the course within 180 days after the date the application is submitted. If documentation of completion of the required training is not submitted by that date, the individual's license is automatically suspended until proof of the required training is submitted to the department. An individual licensed on or before August 31, 2008, is not required to complete additional training hours in order to renew an active license beyond the required total amount of training, and within the timeframe, in effect at the time he or she was licensed.

Section 20. Subsection (3) of section 493.6302, Florida Statutes, is amended to read:

493.6302 Fees.—

(3) The fees set forth in this section must be paid by ~~certified~~ check or money order ~~or, at the discretion of the department, by agency check~~ at the time the application is approved, except that the applicant for a Class "D," Class "G," Class "M," or Class "MB" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

Section 21. Subsection (4) of section 493.6303, Florida Statutes, is amended to read:

493.6303 License requirements.—In addition to the license requirements set forth elsewhere in this chapter, each individual or agency shall comply with the following additional requirements:

(4)(a) Effective January 1, 2011, an applicant for a Class "D" license must submit proof of successful completion of ~~complete~~ a minimum of 40 hours of professional training at a school or training facility licensed by the department. The training must be provided in two parts, one 24-hour course and one 16-hour course. The department shall by rule establish the general content and number of hours of each subject area to be taught.

(b) An individual who submits an application for a Class "D" license on or after January 1, 2007, through December 31, 2010,

Rep. Nelson moved the adoption of the amendment, which was adopted.

Representative Nelson offered the following:

(Amendment Bar Code: 017181)

Amendment 6—Remove line 2051 and insert:
(7) For purposes of ss. 624.407 and 624.408 and this section, with

Rep. Nelson moved the adoption of the amendment, which was adopted.

Representative Nelson offered the following:

(Amendment Bar Code: 686839)

Amendment 7 (with title amendment)—Between lines 2107 and 2108, insert:

Section 63. The Department of Agriculture and Consumer Services shall meet with duly authorized representatives of established organizations representing the state's pest control industry and shall prepare and submit a report to the President of the Senate, the Speaker of the House of Representatives, the chair of the Senate Committee on Agriculture, and the chair of the House Agriculture and Natural Resources Policy Committee by

January 1, 2011. The report shall include recommended amendments to chapter 482, Florida Statutes, that provide for disciplinary action to be taken against licensees who violate laws or rules pertaining to the pretreatment of soil to protect newly constructed homes, pest control at sensitive facilities such as schools and nursing homes, and the fumigation of existing homes for protection against termite damage, thereby providing additional safeguards for consumers. The report may also address other issues of concern to the department and to members of the industry, such as changes to requirements for professional liability insurance coverage or the amount of bond required, duties and responsibilities of a certified operator, issuance of a centralized pest control service center license, and limited certification for commercial wildlife management personnel.

T I T L E A M E N D M E N T

Remove line 201 and insert:
penalties; providing exemptions; requiring the department and representatives of the state pest control industry to submit a report to the Legislature; requiring that the report include recommendations for changes in the law to provide for disciplinary action against licensees of the pest control industry under certain circumstances; providing that the report may also address additional issues of concern to the department and members of the industry; repealing ss. 570.071 and

Rep. Nelson moved the adoption of the amendment, which was adopted.

On motion by Rep. Nelson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Nelson offered the following:

(Amendment Bar Code: 754543)

Amendment 8 (with title amendment)—Between lines 2107 and 2108, insert:
(5) For purposes of this section, the term "animal" means any living or dead dumb creature.

T I T L E A M E N D M E N T

Remove line 197 and insert:
828.126, F.S.; providing definitions;

Rep. Nelson moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS for HB 1073 & HB 81—A bill to be entitled An act relating to persons with disabilities; amending s. 393.067, F.S.; revising provisions relating to licensure and standards for facilities and programs for persons with developmental disabilities; amending s. 393.13, F.S.; revising rights for persons with developmental disabilities; amending s. 402.305, F.S.; requiring minimum training for child care personnel to include the identification and care of children with developmental disabilities; creating s. 1003.573, F.S.; requiring that each school prepare an incident report within a specified period after each occasion of student restraint or seclusion; specifying the contents of such report; requiring that each school notify a student's parent or guardian if manual physical restraint or seclusion is used; requiring certain reporting and monitoring; requiring that each school district develop and revise policies and procedures governing the incident reports, data collection, and the monitoring and reporting of such data; prohibiting school personnel from using mechanical restraint on a student or a manual physical restraint that restricts a student's breathing; prohibiting school personnel from closing, locking, or physically blocking a student in a room that is unlit and does not meet the rules of the State Fire Marshal for seclusion time-out rooms; amending s. 1004.55, F.S.; requiring regional autism centers to provide certain support for serving children with developmental disabilities; creating s. 1012.582, F.S.; requiring the Commissioner of Education to develop recommendations to incorporate instruction relating to developmental disabilities into continuing education or inservice training requirements for instructional personnel; requiring the Department of Education to incorporate the course curricula into existing requirements for such education or training; authorizing the State Board of Education to adopt rules; requiring the Division of Vocational Rehabilitation within the Department of Education to develop an implementation plan for the establishment of a state vocational college for persons with developmental disabilities subject to legislative authorization and appropriation of funding; providing an effective date.

—was read the second time by title.

On motion by Rep. Hukill, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Hukill offered the following:

(Amendment Bar Code: 955299)

Amendment 1 (with title amendment)—Remove line 274 and insert:
mechanical restraint or a manual physical restraint

T I T L E A M E N D M E N T

Remove lines 20-21 and insert:
data; prohibiting school personnel from using a mechanical restraint or a manual physical restraint that

Rep. Hukill moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Galvano, the House advanced to the order of business of—

House Resolutions

Rep. Fetterman moved to read HR 9095 the second time by title. The motion was agreed to.

HR 9095—A resolution recognizing the week of February 6-12, 2011, as "Congenital Heart Defect Awareness Week" in the State of Florida.

WHEREAS, congenital heart defects are the most common birth defect, and congenital heart disease is the leading cause of birth-defect-related deaths worldwide, and

WHEREAS, in the United States, nearly twice as many children die from a congenital heart defect each year than from all forms of childhood cancers combined, and

WHEREAS, every year one out of every 150 babies born in the state of Florida is born with a congenital heart defect, and numerous families across the United States are facing the challenges and hardships of raising children with congenital heart defects, and

WHEREAS, some congenital heart defects are not diagnosed until months or years after birth, and undiagnosed congenital heart conditions cause many cases of sudden cardiac death in young athletes, and

WHEREAS, despite these alarming statistics, newborns and young athletes are not routinely screened for congenital heart defects, some of which may be treated or corrected with medicine, medical devices, or surgery, and

WHEREAS, the annual cost for surgery and care of congenital heart defects exceeds $4.8 billion, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives recognizes February 6-12, 2011, as "Congenital Heart Defect Awareness Week" in the State of Florida.

—was read the second time by title. On motion by Rep. Fetterman, the resolution was adopted.

On motion by Rep. Fetterman, the board was opened [Session Vote Sequence: 915] and the following members were recorded as cosponsors of the resolution, along with Reps. Fetterman, Aubuchon, and Zapata: Reps. Abruzzo, Adams, Ambler, Anderson, Bembry, Bogdanoff, Bovo, Boyd, Brandenburg, Braynon, Brisé, Bullard, Burgin, Bush, Cannon, Carroll, Chestnut, Clarke-Reed, Coley, Cretul, Crisafulli, Cruz, Domino, Dorworth, Drake, Eisnaugle, Evers, Fitzgerald, Flores, Ford, Frishe, Galvano, Garcia, Gibbons, Gibson, Glorioso, Gonzalez, Grady, Grimsley, Hasner, Hays, Heller, Holder, Homan, Hooper, Horner, Hukill, Jenne, Jones, Kelly, Legg, Llorente, Lopez-Cantera, Mayfield, McBurney, McKeel, Murzin, Nehr, Nelson, O'Toole, Pafford, Patronis, Patterson, Planas, Poppell, Porth, Precourt, Proctor, Rader, Randolph, Ray, Reagan, Reed, Rehwinkel Vasilinda, Robaina, K. Roberson, Y. Roberson, Rogers, Sachs, Sands, Saunders, Schenck, Schultz, Skidmore, Soto, Stargel, Steinberg, Taylor, G. Thompson, Thurston, Tobia, Troutman, Van Zant, Waldman, Weatherford, Weinstein, Wood, and Workman.

On motion by Rep. Galvano, the House agreed to revert to the order of business of—

Special Orders

HB 7235—A bill to be entitled An act relating to compulsory health insurance coverage; providing a declaration of state public policy protecting persons from government compulsion to purchase health insurance coverage; providing exceptions; providing construction; authorizing the Attorney General to initiate and advocate such public policy in federal or state court or administrative forum on behalf of certain persons under certain circumstances; providing an effective date.

—was read the second time by title.

Rep. Tobia moved that a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Representative Fetterman offered the following:

(Amendment Bar Code: 841789)

Amendment 1 (with title amendment)—Remove line 26 and insert:

(2) This section applies only to a person who has filed a declaration with the Department of Health that the person refuses to accept or demand public, taxpayer-funded health insurance or health services during any period in which such person is uninsured, excluding emergency services.

(3) This section may not be construed to prohibit

T I T L E A M E N D M E N T

Between lines 5 and 6, insert:
application; providing

Amendment 1 was temporarily postponed.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 907—A bill to be entitled An act relating to child support guidelines; amending s. 61.13, F.S.; requiring all child support orders after a certain date to contain certain provisions; creating s. 61.29, F.S.; providing principles for implementing the support guidelines schedule; amending s. 61.30, F.S.; requiring that census information be used if information about earnings level in the community is not available; providing that the burden of proof is on the party seeking to impute income to the other party; providing for the calculation of the obligor parent's child support payment under certain circumstances; revising the deviation factors that a court may consider when adjusting a parent's share of the child support award; providing an effective date.

—was read the second time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR

Representative Flores offered the following:

(Amendment Bar Code: 808377)

Amendment 1—Remove lines 57-83 and insert:

61.29 Child support guidelines; principles.-The following principles establish the public policy of the State of Florida in the creation of the child support guidelines:

(1) Each parent has a fundamental obligation to support his or her minor or legally dependent child.

(2) The guidelines schedule is based on the parent's combined net income estimated to have been allocated to the child as if the parents and children were living in an intact household.

(3) The guidelines encourage fair and efficient settlement of support issues between parents and minimizes the need for litigation.

Rep. Flores moved the adoption of the amendment, which was adopted.

Representative Flores offered the following:

(Amendment Bar Code: 477415)

Amendment 2 (with title amendment)—Remove lines 102-132 and insert:

information concerning a parent's income is unavailable, a parent fails to participate in a child support proceeding, or a parent fails to supply adequate financial information in a child support proceeding, income shall be automatically imputed to the parent and there is a rebuttable presumption that the parent has income equivalent to the median income of year-round full-time workers as derived from current population reports or replacement reports published by the United States Bureau of the Census. ~~as provided in this paragraph;~~ However, the court may refuse to impute income to a parent if the court finds it necessary for that ~~the~~ parent to stay home with the child who is the subject of a child support calculation or as set forth below:~~.~~

1. In order for the court to impute income at an amount other than the median income of year-round full-time workers as derived from current population reports or replacement reports published by the United States Bureau of the Census, the court must make specific findings of fact consistent with the requirements of this paragraph. The party seeking to impute income has the burden to present competent, substantial evidence that:

a. The unemployment or underemployment is voluntary; and

b. Identifies the amount and source of the imputed income, through evidence of income from available employment for which the party is suitably qualified by education, experience, current licensure, or geographic location, with due consideration being given to the parties' time-sharing schedule and their historical exercise of the time-sharing provided in the parenting plan or relevant order.

2. Except as set forth in subparagraph 1., income may not be imputed based upon:

a. Income records that are more than 5 years old at the time of the hearing or trial at which imputation is sought; or

b. Income at a level that a party has never earned in the past, unless recently degreed, licensed, certified, relicensed, or recertified and thus qualified for, subject to geographic location, with due consideration of the parties' existing time-sharing schedule and their historical exercise of the time-sharing provided in the parenting plan or relevant order.

(6) The following guidelines schedule shall be applied to the combined net income to determine the minimum child support need:

Combined

Monthly Net Income	Child or Children One	Two	Three	Four	Five	Six
~~650.00~~	~~74~~	~~75~~	~~75~~	~~76~~	~~77~~	~~78~~
~~700.00~~	~~119~~	~~120~~	~~121~~	~~123~~	~~124~~	~~125~~
~~750.00~~	~~164~~	~~166~~	~~167~~	~~169~~	~~171~~	~~173~~

T I T L E A M E N D M E N T

Remove lines 7-10 and insert:
creating a rebuttable presumption of census-level wages if information about earnings level is not provided; providing that the burden of proof is on the party seeking to impute income to the other party; prohibiting imputation of income for out-of-date records or unprecedented earnings; removing the first three combined monthly net income amounts on the guidelines schedule; providing for the

Rep. Flores moved the adoption of the amendment, which was adopted.

Representative Flores offered the following:

(Amendment Bar Code: 097829)

Amendment 3—Remove lines 385-437 and insert:

10. The particular parenting plan, such as where the child spends a significant amount of time, but less than 20 ~~40~~ percent of the overnights, with one parent, thereby reducing the financial expenditures incurred by the other parent; or the refusal of a parent to become involved in the activities of the child.

11. Any other adjustment that ~~which~~ is needed to achieve an equitable result which may include, but not be limited to, a reasonable and necessary existing expense or debt. Such expense or debt may include, but is not limited to, a reasonable and necessary expense or debt that ~~which~~ the parties jointly incurred during the marriage.

(b) Whenever a particular parenting plan provides that each child spend a substantial amount of time with each parent, the court shall adjust any award of child support, as follows:

1. In accordance with subsections (9) and (10), calculate the amount of support obligation apportioned to each parent without including day care and health insurance costs in the calculation and multiply the amount by 1.5.

2. Calculate the percentage of overnight stays the child spends with each parent.

3. Multiply each parent's support obligation as calculated in subparagraph 1. by the percentage of the other parent's overnight stays with the child as calculated in subparagraph 2.

4. The difference between the amounts calculated in subparagraph 3. shall be the monetary transfer necessary between the parents for the care of the child, subject to an adjustment for day care and health insurance expenses.

5. Pursuant to subsections (7) and (8), calculate the net amounts owed by each parent for the expenses incurred for day care and health insurance coverage for the child. ~~Day care shall be calculated without regard to the 25-percent reduction applied by subsection (7).~~

6. Adjust the support obligation owed by each parent pursuant to subparagraph 4. by crediting or debiting the amount calculated in subparagraph 5. This amount represents the child support which must be exchanged between the parents.

7. The court may deviate from the child support amount calculated pursuant to subparagraph 6. based upon the deviation factors in paragraph (a), as well as the obligee parent's low income and ability to maintain the basic necessities of the home for the child, the likelihood that either parent will actually exercise the time-sharing schedule set forth in the parenting plan granted by the court, and whether all of the children are exercising the same time-sharing schedule.

8. For purposes of adjusting any award of child support under this paragraph, "substantial amount of time" means that a parent exercises time-sharing ~~visitation~~ at least 20 ~~40~~ percent of the overnights of the year.

Rep. Flores moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 7083 was temporarily postponed.

CS/CS/HB 225 was temporarily postponed.

HB 7239 was temporarily postponed.

CS/CS/CS/HB 1143—A bill to be entitled An act relating to the reduction and simplification of health care provider regulation; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; amending s. 318.21, F.S.; revising distribution of funds from civil penalties imposed for traffic infractions by county courts; amending s. 381.00315, F.S.; directing the Department of Health to accept funds from counties, municipalities, and certain other entities for the purchase of certain products made available under a contract of the United States Department of Health and Human Services for the manufacture and delivery of such products in response to a public health emergency; amending s. 381.0072, F.S.; limiting Department of Health food service inspections in nursing homes; requiring the department to coordinate inspections with the Agency for Health Care Administration; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.602, F.S.; revising the definition of the term "rural hospital" to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the term "geriatric outpatient clinic"; amending s. 400.063, F.S.; deleting an obsolete provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under pt. II of ch. 408, F.S., to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes;

requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents' rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; amending 400.147, F.S.; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; amending s. 400.162, F.S., requiring nursing homes to provide a resident property statement annually and upon request; amending s. 400.179, F.S.; revising requirements for nursing home lease bond alternative fees; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; repealing s. 400.195, F.S., relating to agency reporting requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.931, F.S.; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; providing that pt. X of ch, 400, F.S., the Health Care Clinic Act, does not apply to an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances or to an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of pt. II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; requiring proof of submission of notice to a mortgagor or landlord regarding provision of services requiring licensure; requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of pt. II of ch. 408, F.S.; amending s. 408.815, F.S.; authorizing the agency to extend a license expiration date under certain circumstances; amending s. 409.221, F.S.; deleting a reporting requirement relating to the consumer-directed care program; amending s. 409.91196, F.S.; conforming a cross-reference; amending s. 409.912, F.S.; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; increasing the licensure fees and the maximum fee required for the standard license; increasing the licensure fees for the extended congregate care license; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that a biennial survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that an assisted living facility that has a class I or class II violation is subject to monitoring visits; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; revising notification requirements for the sale or transfer of ownership of an assisted living facility; amending s. 429.14, F.S.; removing a ground for the imposition of an administrative penalty; clarifying language relating to a facility's request for a hearing under certain circumstances; authorizing the agency to provide certain information relating to the licensure status of assisted living facilities electronically or through the agency's Internet website; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.19, F.S.; clarifying that a monitoring fee may be assessed in addition to an administrative fine; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; amending s. 429.35, F.S.; authorizing the agency to provide certain information relating to the inspections of assisted living facilities electronically or through the agency's Internet website; amending s. 429.41, F.S., relating to rulemaking; conforming provisions to changes made by the act; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.54, F.S.; requiring licensed assisted living facilities to electronically report certain data semiannually to the agency in accordance with rules adopted by the department; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.911, F.S.; deleting a ground for agency action against an adult day care center; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 483.294, F.S.; revising frequency of agency inspections of multiphasic health testing centers; amending s. 499.003, F.S.; removing a requirement that certain prescription drug purchasers maintain a separate inventory of certain prescription drugs; amending s. 499.01212, F.S.; exempting prescription drugs contained in sealed medical convenience kits from the pedigree paper requirements under specified circumstances; amending s. 633.081, F.S.; limiting Fire Marshal inspections of nursing homes to once a year; providing for additional inspections based on complaints and violations identified in the course of orientation or training activities; amending s. 766.202, F.S.; adding persons licensed under pt. XIV of ch. 468, F.S., to the definition of "health care provider"; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming

terminology and cross-references; revising a reference; providing an effective date.

—was read the second time by title.

On motion by Rep. Hudson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Hudson offered the following:

(Amendment Bar Code: 204433)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Present paragraph (e) of subsection (10) and paragraph (e) of subsection (14) of section 112.0455, Florida Statutes, are amended, and paragraphs (f) through (k) of subsection (10) of that section are redesignated as paragraphs (e) through (j), respectively, to read:

112.0455 Drug-Free Workplace Act.—

(10) EMPLOYER PROTECTION.—

~~(e) Nothing in this section shall be construed to operate retroactively, and nothing in this section shall abrogate the right of an employer under state law to conduct drug tests prior to January 1, 1990. A drug test conducted by an employer prior to January 1, 1990, is not subject to this section.~~

(14) DISCIPLINE REMEDIES.—

(e) Upon resolving an appeal filed pursuant to paragraph (c), and finding a violation of this section, the commission may order the following relief:

1. Rescind the disciplinary action, expunge related records from the personnel file of the employee or job applicant and reinstate the employee.

2. Order compliance with paragraph (10)(f)~~(g)~~.

3. Award back pay and benefits.

4. Award the prevailing employee or job applicant the necessary costs of the appeal, reasonable attorney's fees, and expert witness fees.

Section 2. Paragraph (n) of subsection (1) of section 154.11, Florida Statutes, is amended to read:

154.11 Powers of board of trustees.—

(1) The board of trustees of each public health trust shall be deemed to exercise a public and essential governmental function of both the state and the county and in furtherance thereof it shall, subject to limitation by the governing body of the county in which such board is located, have all of the powers necessary or convenient to carry out the operation and governance of designated health care facilities, including, but without limiting the generality of, the foregoing:

(n) To appoint originally the staff of physicians to practice in any designated facility owned or operated by the board and to approve the bylaws and rules to be adopted by the medical staff of any designated facility owned and operated by the board, such governing regulations to be in accordance with the standards of The Joint Commission ~~on the Accreditation of Hospitals~~ which provide, among other things, for the method of appointing additional staff members and for the removal of staff members.

Section 3. Subsection (15) of section 318.21, Florida Statutes, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(15) Of the additional fine assessed under s. 318.18(3)(e) for a violation of s. 316.1893, 50 percent of the moneys received from the fines shall be remitted to the Department of Revenue and deposited into the Brain and Spinal Cord Injury Trust Fund of Department of Health and shall be appropriated to the Department of Health ~~Agency for Health Care Administration~~ as general revenue to ~~provide an enhanced Medicaid payment to nursing homes that~~ serve Medicaid recipients with spinal cord injuries that are medically complex and who are technologically and respiratory dependent ~~with brain and spinal cord injuries~~. The remaining 50 percent of the moneys received from the enhanced fine imposed under s. 318.18(3)(e) shall be remitted to the Department of Revenue and deposited into the Department of Health Administrative Trust Fund to provide financial support to certified trauma centers in the counties where enhanced penalty zones are established to ensure the availability and accessibility of trauma services. Funds deposited into the Administrative Trust Fund under this subsection shall be allocated as follows:

(a) Fifty percent shall be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services.

(b) Fifty percent shall be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the Department of Health Trauma Registry.

Section 4. Subsection (3) is added to section 381.00315, Florida Statutes, to read:

381.00315 Public health advisories; public health emergencies.—The State Health Officer is responsible for declaring public health emergencies and issuing public health advisories.

(3) To facilitate effective emergency management, when the United States Department of Health and Human Services contracts for the manufacture and delivery of licensable products in response to a public health emergency and the terms of those contracts are made available to the states, the department shall accept funds provided by counties, municipalities, and other entities designated in the state emergency management plan required under s. 252.35(2)(a) for the purpose of participation in such contracts. The department shall deposit the funds into the Grants and Donations Trust Fund and expend the funds on behalf of the donor county, municipality, or other entity for the purchase the licensable products made available under the contract.

Section 5. Paragraph (e) is added to subsection (2) of section 381.0072, Florida Statutes, to read:

381.0072 Food service protection.—It shall be the duty of the Department of Health to adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness. These rules shall provide the standards and requirements for the storage, preparation, serving, or display of food in food service establishments as defined in this section and which are not permitted or licensed under chapter 500 or chapter 509.

(2) DUTIES.—

(e) The department shall inspect food service establishments in nursing homes licensed under part II of chapter 400 twice each year. The department may make additional inspections only in response to complaints. The department shall coordinate inspections with the Agency for Health Care Administration, such that the department's inspection is at least 60 days after a recertification visit by the Agency for Health Care Administration.

Section 6. Section 383.325, Florida Statutes, is repealed.

Section 7. Subsection (7) of section 394.4787, Florida Statutes, is amended to read:

394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788, and 394.4789.—As used in this section and ss. 394.4786, 394.4788, and 394.4789:

(7) "Specialty psychiatric hospital" means a hospital licensed by the agency pursuant to s. 395.002(26)~~(28)~~ and part II of chapter 408 as a specialty psychiatric hospital.

Section 8. Subsection (2) of section 394.741, Florida Statutes, is amended to read:

394.741 Accreditation requirements for providers of behavioral health care services.—

(2) Notwithstanding any provision of law to the contrary, accreditation shall be accepted by the agency and department in lieu of the agency's and department's facility licensure onsite review requirements and shall be accepted as a substitute for the department's administrative and program monitoring requirements, except as required by subsections (3) and (4), for:

(a) Any organization from which the department purchases behavioral health care services that is accredited by The Joint Commission ~~on Accreditation of Healthcare Organizations~~ or the Council on Accreditation ~~for Children and Family Services~~, or has those services that are being purchased by the department accredited by the Commission on Accreditation of Rehabilitation Facilities ~~CARF the Rehabilitation Accreditation Commission~~.

(b) Any mental health facility licensed by the agency or any substance abuse component licensed by the department that is accredited by The Joint Commission ~~on Accreditation of Healthcare Organizations~~, the Commission on Accreditation of Rehabilitation Facilities ~~CARF–the Rehabilitation Accreditation Commission~~, or the Council on Accreditation ~~of Children and Family Services~~.

(c) Any network of providers from which the department or the agency purchases behavioral health care services accredited by The Joint Commission ~~on Accreditation of Healthcare Organizations~~, the Commission on Accreditation of Rehabilitation Facilities ~~CARF–the Rehabilitation Accreditation Commission~~, the Council on Accreditation ~~of Children and Family Services~~, or the National Committee for Quality Assurance. A provider organization, which is part of an accredited network, is afforded the same rights under this part.

Section 9. Present subsections (15) through (32) of section 395.002, Florida Statutes, are renumbered as subsections (14) through (28), respectively, and present subsections (1), (14), (24), (30), and (31), and paragraph (c) of present subsection (28) of that section are amended to read:

395.002 Definitions.—As used in this chapter:

(1) "Accrediting organizations" means nationally recognized or approved accrediting organizations whose standards incorporate comparable licensure requirements as determined by the agency ~~the Joint Commission on Accreditation of Healthcare Organizations, the American Osteopathic Association, the Commission on Accreditation of Rehabilitation Facilities, and the Accreditation Association for Ambulatory Health Care, Inc~~.

~~(14) "Initial denial determination" means a determination by a private review agent that the health care services furnished or proposed to be furnished to a patient are inappropriate, not medically necessary, or not reasonable.~~

~~(24) "Private review agent" means any person or entity which performs utilization review services for third-party payors on a contractual basis for outpatient or inpatient services. However, the term shall not include full-time employees, personnel, or staff of health insurers, health maintenance organizations, or hospitals, or wholly owned subsidiaries thereof or affiliates under common ownership, when performing utilization review for their respective hospitals, health maintenance organizations, or insureds of the same insurance group. For this purpose, health insurers, health maintenance organizations, and hospitals, or wholly owned subsidiaries thereof or affiliates under common ownership, include such entities engaged as administrators of self-insurance as defined in s. 624.031.~~

(26)~~(28)~~ "Specialty hospital" means any facility which meets the provisions of subsection (12), and which regularly makes available either:

(c) Intensive residential treatment programs for children and adolescents as defined in subsection (14) ~~(15)~~.

~~(30) "Utilization review" means a system for reviewing the medical necessity or appropriateness in the allocation of health care resources of hospital services given or proposed to be given to a patient or group of patients.~~

~~(31) "Utilization review plan" means a description of the policies and procedures governing utilization review activities performed by a private review agent.~~

Section 10. Paragraph (c) of subsection (1) and paragraph (b) of subsection (2) of section 395.003, Florida Statutes, are amended to read:

395.003 Licensure; denial, suspension, and revocation.—

(1)

~~(c) Until July 1, 2006, additional emergency departments located off the premises of licensed hospitals may not be authorized by the agency.~~

(2)

(b) The agency shall, at the request of a licensee that is a teaching hospital as defined in s. 408.07(45), issue a single license to a licensee for facilities that have been previously licensed as separate premises, provided such separately licensed facilities, taken together, constitute the same premises as defined in s. 395.002(22)~~(23)~~. Such license for the single premises shall include all of the beds, services, and programs that were previously included on the licenses for the separate premises. The granting of a single license under this paragraph shall not in any manner reduce the number of beds, services, or programs operated by the licensee.

Section 11. Paragraph (e) of subsection (2) and subsection (4) of section 395.0193, Florida Statutes, are amended to read:

395.0193 Licensed facilities; peer review; disciplinary powers; agency or partnership with physicians.—

(2) Each licensed facility, as a condition of licensure, shall provide for peer review of physicians who deliver health care services at the facility. Each licensed facility shall develop written, binding procedures by which such peer review shall be conducted. Such procedures shall include:

(e) Recording of agendas and minutes which do not contain confidential material, for review by the Division of Medical Quality Assurance of the department ~~Health Quality Assurance of the agency~~.

(4) Pursuant to ss. 458.337 and 459.016, any disciplinary actions taken under subsection (3) shall be reported in writing to the Division of Medical Quality Assurance of the department ~~Health Quality Assurance of the agency~~ within 30 working days after its initial occurrence, regardless of the pendency of appeals to the governing board of the hospital. The notification shall identify the disciplined practitioner, the action taken, and the reason for such action. All final disciplinary actions taken under subsection (3), if different from those which were reported to the department ~~agency~~ within 30 days after the initial occurrence, shall be reported within 10 working days to the Division of Medical Quality Assurance of the department ~~Health Quality Assurance of the agency~~ in writing and shall specify the disciplinary action taken and the specific grounds therefor. The division shall review each report and determine whether it potentially involved conduct by the licensee that is subject to disciplinary action, in which case s. 456.073 shall apply. The reports are not subject to inspection under s. 119.07(1) even if the division's investigation results in a finding of probable cause.

Section 12. Section 395.1023, Florida Statutes, is amended to read:

395.1023 Child abuse and neglect cases; duties.—Each licensed facility shall adopt a protocol that, at a minimum, requires the facility to:

(1) Incorporate a facility policy that every staff member has an affirmative duty to report, pursuant to chapter 39, any actual or suspected case of child abuse, abandonment, or neglect; and

(2) In any case involving suspected child abuse, abandonment, or neglect, designate, at the request of the Department of Children and Family Services, a staff physician to act as a liaison between the hospital and the Department of Children and Family Services office which is investigating the suspected abuse, abandonment, or neglect, and the child protection team, as defined in s. 39.01, when the case is referred to such a team.

Each general hospital and appropriate specialty hospital shall comply with the provisions of this section and shall notify the agency and the Department of Children and Family Services of its compliance by sending a copy of its policy to the agency and the Department of Children and Family Services as required by rule. The failure by a general hospital or appropriate specialty hospital to comply shall be punished by a fine not exceeding $1,000, to be fixed, imposed, and collected by the agency. Each day in violation is considered a separate offense.

Section 13. Subsection (2) and paragraph (d) of subsection (3) of section 395.1041, Florida Statutes, are amended to read:

395.1041 Access to emergency services and care.—

(2) INVENTORY OF HOSPITAL EMERGENCY SERVICES.—The agency shall establish and maintain an inventory of hospitals with emergency services. The inventory shall list all services within the service capability of the hospital, and such services shall appear on the face of the hospital license. Each hospital having emergency services shall notify the agency of its service capability in the manner and form prescribed by the agency. The agency shall use the inventory to assist emergency medical services providers and others in locating appropriate emergency medical care. The inventory shall also be made available to the general public. ~~On or before August 1, 1992, the agency shall request that each hospital identify the services which are within its service capability. On or before November 1, 1992, the agency shall notify each hospital of the service capability to be included in the inventory. The hospital has 15 days from the date of receipt to respond to the notice. By December 1, 1992, the agency shall publish a final inventory.~~ Each hospital shall reaffirm its service capability when its license is renewed and shall

notify the agency of the addition of a new service or the termination of a service prior to a change in its service capability.

(3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF FACILITY OR HEALTH CARE PERSONNEL.—

(d)1. Every hospital shall ensure the provision of services within the service capability of the hospital, at all times, either directly or indirectly through an arrangement with another hospital, through an arrangement with one or more physicians, or as otherwise made through prior arrangements. A hospital may enter into an agreement with another hospital for purposes of meeting its service capability requirement, and appropriate compensation or other reasonable conditions may be negotiated for these backup services.

2. If any arrangement requires the provision of emergency medical transportation, such arrangement must be made in consultation with the applicable provider and may not require the emergency medical service provider to provide transportation that is outside the routine service area of that provider or in a manner that impairs the ability of the emergency medical service provider to timely respond to prehospital emergency calls.

3. A hospital shall not be required to ensure service capability at all times as required in subparagraph 1. if, prior to the receiving of any patient needing such service capability, such hospital has demonstrated to the agency that it lacks the ability to ensure such capability and it has exhausted all reasonable efforts to ensure such capability through backup arrangements. In reviewing a hospital's demonstration of lack of ability to ensure service capability, the agency shall consider factors relevant to the particular case, including the following:

a. Number and proximity of hospitals with the same service capability.

b. Number, type, credentials, and privileges of specialists.

c. Frequency of procedures.

d. Size of hospital.

4. The agency shall publish ~~proposed~~ rules implementing a reasonable exemption procedure ~~by November 1, 1992~~. ~~Subparagraph 1. shall become effective upon the effective date of said rules or January 31, 1993, whichever is earlier. For a period not to exceed 1 year from the effective date of subparagraph 1., a hospital requesting an exemption shall be deemed to be exempt from offering the service until the agency initially acts to deny or grant the original request.~~ The agency has 45 days from the date of receipt of the request to approve or deny the request. ~~After the first year from the effective date of subparagraph 1.,~~ If the agency fails to initially act within the time period, the hospital is deemed to be exempt from offering the service until the agency initially acts to deny the request.

Section 14. Section 395.1046, Florida Statutes, is repealed.

Section 15. Paragraph (e) of subsection (1) of section 395.1055, Florida Statutes, is amended to read:

395.1055 Rules and enforcement.—

(1) The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part, which shall include reasonable and fair minimum standards for ensuring that:

(e) Licensed facility beds conform to minimum space, equipment, and furnishings standards as specified by the agency, the Florida Building Code, and the Florida Fire Prevention Code ~~department~~.

Section 16. Subsection (1) of section 395.10972, Florida Statutes, is amended to read:

395.10972 Health Care Risk Manager Advisory Council.—The Secretary of Health Care Administration may appoint a seven-member advisory council to advise the agency on matters pertaining to health care risk managers. The members of the council shall serve at the pleasure of the secretary. The council shall designate a chair. The council shall meet at the call of the secretary or at those times as may be required by rule of the agency. The members of the advisory council shall receive no compensation for their services, but shall be reimbursed for travel expenses as provided in s. 112.061. The council shall consist of individuals representing the following areas:

(1) Two shall be active health care risk managers, including one risk manager who is recommended by and a member of the Florida Society for ~~of~~ Healthcare Risk Management and Patient Safety.

Section 17. Subsection (3) of section 395.2050, Florida Statutes, is amended to read:

395.2050 Routine inquiry for organ and tissue donation; certification for procurement activities; death records review.—

(3) Each organ procurement organization designated by the federal Centers for Medicare and Medicaid Services ~~Health Care Financing Administration~~ and licensed by the state shall conduct an annual death records review in the organ procurement organization's affiliated donor hospitals. The organ procurement organization shall enlist the services of every Florida licensed tissue bank and eye bank affiliated with or providing service to the donor hospital and operating in the same service area to participate in the death records review.

Section 18. Subsection (2) of section 395.3036, Florida Statutes, is amended to read:

395.3036 Confidentiality of records and meetings of corporations that lease public hospitals or other public health care facilities.—The records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and the meetings of the governing board of a private corporation are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution when the public lessor complies with the public finance accountability provisions of s. 155.40(5) with respect to the transfer of any public funds to the private lessee and when the private lessee meets at least three of the five following criteria:

(2) The public lessor and the private lessee do not commingle any of their funds in any account maintained by either of them, other than the payment of the rent and administrative fees or the transfer of funds pursuant to s. 155.40 (2) ~~subsection (2)~~.

Section 19. Section 395.3037, Florida Statutes, is repealed.

Section 20. Subsections (1), (4), and (5) of section 395.3038, Florida Statutes, are amended to read:

395.3038 State-listed primary stroke centers and comprehensive stroke centers; notification of hospitals.—

(1) The agency shall make available on its website and to the department a list of the name and address of each hospital that meets the criteria for a primary stroke center and the name and address of each hospital that meets the criteria for a comprehensive stroke center. The list of primary and comprehensive stroke centers shall include only those hospitals that attest in an affidavit submitted to the agency that the hospital meets the named criteria, or those hospitals that attest in an affidavit submitted to the agency that the hospital is certified as a primary or a comprehensive stroke center by The Joint Commission ~~on Accreditation of Healthcare Organizations~~.

(4) The agency shall adopt by rule criteria for a primary stroke center which are substantially similar to the certification standards for primary stroke centers of The Joint Commission ~~on Accreditation of Healthcare Organizations~~.

(5) The agency shall adopt by rule criteria for a comprehensive stroke center. However, if The Joint Commission ~~on Accreditation of Healthcare Organizations~~ establishes criteria for a comprehensive stroke center, the agency shall establish criteria for a comprehensive stroke center which are substantially similar to those criteria established by The Joint Commission ~~on Accreditation of Healthcare Organizations~~.

Section 21. Paragraph (e) of subsection (2) of section 395.602, Florida Statutes, is amended to read:

395.602 Rural hospitals.—

(2) DEFINITIONS.—As used in this part:

(e) "Rural hospital" means an acute care hospital licensed under this chapter, having 100 or fewer licensed beds and an emergency room, which is:

1. The sole provider within a county with a population density of no greater than 100 persons per square mile;

2. An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other acute care hospital within the same county;

3. A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or fewer per square mile;

~~4. A hospital in a constitutional charter county with a population of over 1 million persons that has imposed a local option health service tax pursuant to law and in an area that was directly impacted by a catastrophic event on~~

~~August 24, 1992, for which the Governor of Florida declared a state of emergency pursuant to chapter 125, and has 120 beds or less that serves an agricultural community with an emergency room utilization of no less than 20,000 visits and a Medicaid inpatient utilization rate greater than 15 percent;~~

4.~~5.~~ A hospital with a service area that has a population of 100 persons or fewer per square mile. As used in this subparagraph, the term "service area" means the fewest number of zip codes that account for 75 percent of the hospital's discharges for the most recent 5-year period, based on information available from the hospital inpatient discharge database in the Florida Center for Health Information and Policy Analysis at the Agency for Health Care Administration; or

5.~~6.~~ A hospital designated as a critical access hospital, as defined in s. 408.07(15).

Population densities used in this paragraph must be based upon the most recently completed United States census. A hospital that received funds under s. 409.9116 for a quarter beginning no later than July 1, 2002, is deemed to have been and shall continue to be a rural hospital from that date through June 30, 2015, if the hospital continues to have 100 or fewer licensed beds and an emergency room~~, or meets the criteria of subparagraph 4~~. An acute care hospital that has not previously been designated as a rural hospital and that meets the criteria of this paragraph shall be granted such designation upon application, including supporting documentation to the Agency for Health Care Administration.

Section 22. Subsection (8) of section 400.021, Florida Statutes, is amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(8) "Geriatric outpatient clinic" means a site for providing outpatient health care to persons 60 years of age or older, which is staffed by a registered nurse or a physician assistant, or a licensed practical nurse under the direct supervision of a registered nurse, advanced registered nurse practitioner, or physician.

Section 23. Paragraph (g) of subsection (2) of section 400.0239, Florida Statutes, is amended to read:

400.0239 Quality of Long-Term Care Facility Improvement Trust Fund.—

(2) Expenditures from the trust fund shall be allowable for direct support of the following:

(g) Other initiatives authorized by the Centers for Medicare and Medicaid Services for the use of federal civil monetary penalties~~, including projects recommended through the Medicaid "Up or Out" Quality of Care Contract Management Program pursuant to s. 400.148~~.

Section 24. Subsection (15) of section 400.0255, Florida Statutes, is amended to read

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(15)(a) The department's Office of Appeals Hearings shall conduct hearings under this section. The office shall notify the facility of a resident's request for a hearing.

(b) The department shall, by rule, establish procedures to be used for fair hearings requested by residents. These procedures shall be equivalent to the procedures used for fair hearings for other Medicaid cases appearing in s. 409.285 and applicable rules~~, chapter 10-2, part VI, Florida Administrative Code~~. The burden of proof must be clear and convincing evidence. A hearing decision must be rendered within 90 days after receipt of the request for hearing.

(c) If the hearing decision is favorable to the resident who has been transferred or discharged, the resident must be readmitted to the facility's first available bed.

(d) The decision of the hearing officer shall be final. Any aggrieved party may appeal the decision to the district court of appeal in the appellate district where the facility is located. Review procedures shall be conducted in accordance with the Florida Rules of Appellate Procedure.

Section 25. Subsection (2) of section 400.063, Florida Statutes, is amended to read:

400.063 Resident protection.—

(2) The agency is authorized to establish for each facility, subject to intervention by the agency, a separate bank account for the deposit to the credit of the agency of any moneys received from the Health Care Trust Fund or any other moneys received for the maintenance and care of residents in the facility, and the agency is authorized to disburse moneys from such account to pay obligations incurred for the purposes of this section. The agency is authorized to requisition moneys from the Health Care Trust Fund in advance of an actual need for cash on the basis of an estimate by the agency of moneys to be spent under the authority of this section. Any bank account established under this section need not be approved in advance of its creation as required by s. 17.58, but shall be secured by depository insurance equal to or greater than the balance of such account or by the pledge of collateral security ~~in conformance with criteria established in s. 18.11~~. The agency shall notify the Chief Financial Officer of any such account so established and shall make a quarterly accounting to the Chief Financial Officer for all moneys deposited in such account.

Section 26. Subsections (1) and (5) of section 400.071, Florida Statutes, are amended to read:

400.071 Application for license.—

(1) In addition to the requirements of part II of chapter 408, the application for a license shall be under oath and must contain the following:

(a) The location of the facility for which a license is sought and an indication, as in the original application, that such location conforms to the local zoning ordinances.

~~(b) A signed affidavit disclosing any financial or ownership interest that a controlling interest as defined in part II of chapter 408 has held in the last 5 years in any entity licensed by this state or any other state to provide health or residential care which has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason any such entity was closed, whether voluntarily or involuntarily.~~

~~(c) The total number of beds and the total number of Medicare and Medicaid certified beds.~~

(b)~~(d)~~ Information relating to the applicant and employees which the agency requires by rule. The applicant must demonstrate that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of residents who will reside in the facility.

(c)~~(e)~~ Copies of any civil verdict or judgment involving the applicant rendered within the 10 years preceding the application, relating to medical negligence, violation of residents' rights, or wrongful death. As a condition of licensure, the licensee agrees to provide to the agency copies of any new verdict or judgment involving the applicant, relating to such matters, within 30 days after filing with the clerk of the court. The information required in this paragraph shall be maintained in the facility's licensure file and in an agency database which is available as a public record.

(5) As a condition of licensure, each facility must establish ~~and submit with its application~~ a plan for quality assurance and for conducting risk management.

Section 27. Section 400.0712, Florida Statutes, is amended to read:

400.0712 Application for inactive license.—

~~(1) As specified in this section, the agency may issue an inactive license to a nursing home facility for all or a portion of its beds. Any request by a licensee that a nursing home or portion of a nursing home become inactive must be submitted to the agency in the approved format. The facility may not initiate any suspension of services, notify residents, or initiate inactivity before receiving approval from the agency; and a licensee that violates this provision may not be issued an inactive license.~~

(1)~~(2)~~ In addition to the powers granted under part II of chapter 408, the agency may issue an inactive license to a nursing home that chooses to use an unoccupied contiguous portion of the facility for an alternative use to meet the needs of elderly persons through the use of less restrictive, less institutional services.

(a) An inactive license issued under this subsection may be granted for a period not to exceed the current licensure expiration date but may be renewed by the agency at the time of licensure renewal.

(b) A request to extend the inactive license must be submitted to the agency in the approved format and approved by the agency in writing.

(c) Nursing homes that receive an inactive license to provide alternative services shall not receive preference for participation in the Assisted Living for the Elderly Medicaid waiver.

(2)~~(3)~~ The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement this section.

Section 28. Section 400.111, Florida Statutes, is amended to read:

400.111 Disclosure of controlling interest.—In addition to the requirements of part II of chapter 408, when requested by the agency, the licensee shall submit a signed affidavit disclosing any financial or ownership interest that a controlling interest has held within the last 5 years in any entity licensed by the state or any other state to provide health or residential care which entity has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason such entity was closed, whether voluntarily or involuntarily.

Section 29. Subsection (2) of section 400.1183, Florida Statutes, is amended to read:

400.1183 Resident grievance procedures.—

(2) Each facility shall maintain records of all grievances for agency inspection ~~and shall report to the agency at the time of relicensure the total number of grievances handled during the prior licensure period, a categorization of the cases underlying the grievances, and the final disposition of the grievances~~.

Section 30. Paragraphs (o) through (w) of subsection (1) of section 400.141, Florida Statutes, are redesignated as paragraphs (n) through (u), respectively, and present paragraphs (f), (g), (j), (n), (o), and (r) of that subsection are amended, to read:

400.141 Administration and management of nursing home facilities.—

(1) Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(f) Be allowed and encouraged by the agency to provide other needed services under certain conditions. If the facility has a standard licensure status~~, and has had no class I or class II deficiencies during the past 2 years~~ or has been awarded a Gold Seal under the program established in s. 400.235, it may ~~be encouraged by the agency to~~ provide services, including, but not limited to, respite and adult day services, which enable individuals to move in and out of the facility. A facility is not subject to any additional licensure requirements for providing these services.

1. Respite care may be offered to persons in need of short-term or temporary nursing home services. For each person admitted under the respite care program, the facility licensee must:

a. Have a written abbreviated plan of care that, at a minimum, includes nutritional requirements, medication orders, physician orders, nursing assessments, and dietary preferences. The nursing or physician assessments may take the place of all other assessments required for full-time residents.

b. Have a contract that, at a minimum, specifies the services to be provided to the respite resident, including charges for services, activities, equipment, emergency medical services, and the administration of medications. If multiple respite admissions for a single person are anticipated, the original contract is valid for 1 year after the date of execution.

c. Ensure that each resident is released to his or her caregiver or an individual designated in writing by the caregiver.

2. A person admitted under the respite care program is:

a. Exempt from requirements in rule related to discharge planning.

b. Covered by the resident's rights set forth in s. 400.022(1)(a)-(o) and (r)-(t). Funds or property of the resident shall not be considered trust funds subject to the requirements of s. 400.022(1)(h) until the resident has been in the facility for more than 14 consecutive days.

c. Allowed to use his or her personal medications for the respite stay if permitted by facility policy. The facility must obtain a physician's orders for the medications. The caregiver may provide information regarding the medications as part of the nursing assessment, which must agree with the physician's orders. Medications shall be released with the resident upon discharge in accordance with current orders.

3. A person receiving respite care is entitled to a total of 60 days in the facility within a contract year or a calendar year if the contract is for less than 12 months. However, each single stay may not exceed 14 days. If a stay exceeds 14 consecutive days, the facility must comply with all assessment and care planning requirements applicable to nursing home residents.

4. A person receiving respite care must reside in a licensed nursing home bed.

5. A prospective respite resident must provide medical information from a physician, a physician assistant, or a nurse practitioner and other information from the primary caregiver as may be required by the facility prior to or at the time of admission to receive respite care. The medical information must include a physician's order for respite care and proof of a physical examination by a licensed physician, physician assistant, or nurse practitioner. The physician's order and physical examination may be used to provide intermittent respite care for up to 12 months after the date the order is written.

6. The facility must assume the duties of the primary caregiver. To ensure continuity of care and services, the resident is entitled to retain his or her personal physician and must have access to medically necessary services such as physical therapy, occupational therapy, or speech therapy, as needed. The facility must arrange for transportation to these services if necessary. ~~Respite care must be provided in accordance with this part and rules adopted by the agency. However, the agency shall, by rule, adopt modified requirements for resident assessment, resident care plans, resident contracts, physician orders, and other provisions, as appropriate, for short-term or temporary nursing home services.~~

7. The agency shall allow for shared programming and staff in a facility which meets minimum standards and offers services pursuant to this paragraph, but, if the facility is cited for deficiencies in patient care, may require additional staff and programs appropriate to the needs of service recipients. A person who receives respite care may not be counted as a resident of the facility for purposes of the facility's licensed capacity unless that person receives 24-hour respite care. A person receiving either respite care for 24 hours or longer or adult day services must be included when calculating minimum staffing for the facility. Any costs and revenues generated by a nursing home facility from nonresidential programs or services shall be excluded from the calculations of Medicaid per diems for nursing home institutional care reimbursement.

(g) If the facility has a standard license or is a Gold Seal facility, exceeds the minimum required hours of licensed nursing and certified nursing assistant direct care per resident per day, and is part of a continuing care facility licensed under chapter 651 or a retirement community that offers other services pursuant to part III of this chapter or part I or part III of chapter 429 on a single campus, be allowed to share programming and staff. At the time of inspection and in the semiannual report required pursuant to paragraph (n) ~~(o)~~, a continuing care facility or retirement community that uses this option must demonstrate through staffing records that minimum staffing requirements for the facility were met. Licensed nurses and certified nursing assistants who work in the nursing home facility may be used to provide services elsewhere on campus if the facility exceeds the minimum number of direct care hours required per resident per day and the total number of residents receiving direct care services from a licensed nurse or a certified nursing assistant does not cause the facility to violate the staffing ratios required under s. 400.23(3)(a). Compliance with the minimum staffing ratios shall be based on total number of residents receiving direct care services, regardless of where they reside on campus. If the facility receives a conditional license, it may not share staff until the conditional license status ends. This paragraph does not restrict the agency's authority under federal or state law to require additional staff if a facility is cited for deficiencies in care which are caused by an insufficient number of certified nursing assistants or licensed nurses. The agency may adopt rules for the documentation necessary to determine compliance with this provision.

(j) Keep full records of resident admissions and discharges; medical and general health status, including medical records, personal and social history, and identity and address of next of kin or other persons who may have responsibility for the affairs of the residents; and individual resident care plans including, but not limited to, prescribed services, service frequency and

duration, and service goals. The records shall be open to inspection by the agency. The facility must maintain clinical records on each resident in accordance with accepted professional standards and practices that are complete, accurately documented, readily accessible, and systematically organized.

~~(n) Submit to the agency the information specified in s. 400.071(1)(b) for a management company within 30 days after the effective date of the management agreement.~~

(n)~~(o)~~1. Submit semiannually to the agency, or more frequently if requested by the agency, information regarding facility staff-to-resident ratios, staff turnover, and staff stability, including information regarding certified nursing assistants, licensed nurses, the director of nursing, and the facility administrator. For purposes of this reporting:

a. Staff-to-resident ratios must be reported in the categories specified in s. 400.23(3)(a) and applicable rules. The ratio must be reported as an average for the most recent calendar quarter.

b. Staff turnover must be reported for the most recent 12-month period ending on the last workday of the most recent calendar quarter prior to the date the information is submitted. The turnover rate must be computed quarterly, with the annual rate being the cumulative sum of the quarterly rates. The turnover rate is the total number of terminations or separations experienced during the quarter, excluding any employee terminated during a probationary period of 3 months or less, divided by the total number of staff employed at the end of the period for which the rate is computed, and expressed as a percentage.

c. The formula for determining staff stability is the total number of employees that have been employed for more than 12 months, divided by the total number of employees employed at the end of the most recent calendar quarter, and expressed as a percentage.

d. A nursing facility that has failed to comply with state minimum-staffing requirements for 2 consecutive days is prohibited from accepting new admissions until the facility has achieved the minimum-staffing requirements for a period of 6 consecutive days. For the purposes of this sub-subparagraph, any person who was a resident of the facility and was absent from the facility for the purpose of receiving medical care at a separate location or was on a leave of absence is not considered a new admission. Failure to impose such an admissions moratorium is subject to a $1,000 fine ~~constitutes a class II deficiency~~.

e. A nursing facility which does not have a conditional license may be cited for failure to comply with the standards in s. 400.23(3)(a)1.a. only if it has failed to meet those standards on 2 consecutive days or if it has failed to meet at least 97 percent of those standards on any one day.

f. A facility which has a conditional license must be in compliance with the standards in s. 400.23(3)(a) at all times.

2. This paragraph does not limit the agency's ability to impose a deficiency or take other actions if a facility does not have enough staff to meet the residents' needs.

~~(r) Report to the agency any filing for bankruptcy protection by the facility or its parent corporation, divestiture or spin-off of its assets, or corporate reorganization within 30 days after the completion of such activity.~~

Section 31. Subsection (3) of section 400.142, Florida Statutes, is amended to read:

400.142 Emergency medication kits; orders not to resuscitate.—

(3) Facility staff may withhold or withdraw cardiopulmonary resuscitation if presented with an order not to resuscitate executed pursuant to s. 401.45. ~~The agency shall adopt rules providing for the implementation of such orders.~~ Facility staff and facilities shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation pursuant to such an order and rules adopted by the agency. The absence of an order not to resuscitate executed pursuant to s. 401.45 does not preclude a physician from withholding or withdrawing cardiopulmonary resuscitation as otherwise permitted by law.

Section 32. Subsections (11) through (15) of section 400.147, Florida Statutes, are renumbered as subsections (10) through (14), respectively, and present subsection (10) is amended to read:

400.147 Internal risk management and quality assurance program.—

~~(10) By the 10th of each month, each facility subject to this section shall report any notice received pursuant to s. 400.0233(2) and each initial complaint that was filed with the clerk of the court and served on the facility during the previous month by a resident or a resident's family member, guardian, conservator, or personal legal representative. The report must include the name of the resident, the resident's date of birth and social security number, the Medicaid identification number for Medicaid-eligible persons, the date or dates of the incident leading to the claim or dates of residency, if applicable, and the type of injury or violation of rights alleged to have occurred. Each facility shall also submit a copy of the notices received pursuant to s. 400.0233(2) and complaints filed with the clerk of the court. This report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.~~

Section 33. Section 400.148, Florida Statutes, is repealed.

Section 34. Paragraph (f) of subsection (5) of section 400.162, Florida Statutes, is amended to read:

400.162 Property and personal affairs of residents.—

(5)

(f) At least every 3 months, the licensee shall furnish the resident and the guardian, trustee, or conservator, if any, for the resident a complete and verified statement of all funds ~~and other property~~ to which this subsection applies, detailing the amounts ~~and items~~ received, together with their sources and disposition. For resident property, the licensee shall furnish such a statement annually and within 7 calendar days after a request for a statement. In any event, the licensee shall furnish such statements ~~a statement~~ annually and upon the discharge or transfer of a resident. Any governmental agency or private charitable agency contributing funds or other property on account of a resident also shall be entitled to receive such statements ~~statement~~ annually and upon discharge or transfer and such other report as it may require pursuant to law.

Section 35. Paragraphs (d) and (e) of subsection (2) of section 400.179, Florida Statutes, are amended to read:

400.179 Liability for Medicaid underpayments and overpayments.—

(2) Because any transfer of a nursing facility may expose the fact that Medicaid may have underpaid or overpaid the transferor, and because in most instances, any such underpayment or overpayment can only be determined following a formal field audit, the liabilities for any such underpayments or overpayments shall be as follows:

(d) Where the transfer involves a facility that has been leased by the transferor:

1. The transferee shall, as a condition to being issued a license by the agency, acquire, maintain, and provide proof to the agency of a bond with a term of 30 months, renewable annually, in an amount not less than the total of 3 months' Medicaid payments to the facility computed on the basis of the preceding 12-month average Medicaid payments to the facility.

2. A leasehold licensee may meet the requirements of subparagraph 1. by payment of a nonrefundable fee, paid at initial licensure, paid at the time of any subsequent change of ownership, and paid annually thereafter, in the amount of 1 percent of the total of 3 months' Medicaid payments to the facility computed on the basis of the preceding 12-month average Medicaid payments to the facility. If a preceding 12-month average is not available, projected Medicaid payments may be used. The fee shall be deposited into the Grants and Donations Trust Fund and shall be accounted for separately as a Medicaid nursing home overpayment account. These fees shall be used at the sole discretion of the agency to repay nursing home Medicaid overpayments. Payment of this fee shall not release the licensee from any liability for any Medicaid overpayments, nor shall payment bar the agency from seeking to recoup overpayments from the licensee and any other liable party. As a condition of exercising this lease bond alternative, licensees paying this fee must maintain an existing lease bond through the end of the 30-month term period of that bond. The agency is herein granted specific authority to promulgate all rules pertaining to the administration and management of this account, including withdrawals from the account, subject to federal review and approval. This provision shall take effect upon becoming law and shall apply to any leasehold license application. The financial viability of the Medicaid nursing home overpayment account shall be determined by the agency

through annual review of the account balance and the amount of total outstanding, unpaid Medicaid overpayments owing from leasehold licensees to the agency as determined by final agency audits. By March 31 of each year, the agency shall assess the cumulative fees collected under this subparagraph, minus any amounts used to repay nursing home Medicaid overpayments and amounts transferred to contribute to the General Revenue Fund pursuant to s. 215.20. If the net cumulative collections, minus amounts utilized to repay nursing home Medicaid overpayments, exceed $25 million, the provisions of this paragraph shall not apply for the subsequent fiscal year.

3. The leasehold licensee may meet the bond requirement through other arrangements acceptable to the agency. The agency is herein granted specific authority to promulgate rules pertaining to lease bond arrangements.

4. All existing nursing facility licensees, operating the facility as a leasehold, shall acquire, maintain, and provide proof to the agency of the 30-month bond required in subparagraph 1., above, on and after July 1, 1993, for each license renewal.

5. It shall be the responsibility of all nursing facility operators, operating the facility as a leasehold, to renew the 30-month bond and to provide proof of such renewal to the agency annually.

6. Any failure of the nursing facility operator to acquire, maintain, renew annually, or provide proof to the agency shall be grounds for the agency to deny, revoke, and suspend the facility license to operate such facility and to take any further action, including, but not limited to, enjoining the facility, asserting a moratorium pursuant to part II of chapter 408, or applying for a receiver, deemed necessary to ensure compliance with this section and to safeguard and protect the health, safety, and welfare of the facility's residents. A lease agreement required as a condition of bond financing or refinancing under s. 154.213 by a health facilities authority or required under s. 159.30 by a county or municipality is not a leasehold for purposes of this paragraph and is not subject to the bond requirement of this paragraph.

~~(e) For the 2009-2010 fiscal year only, the provisions of paragraph (d) shall not apply. This paragraph expires July 1, 2010.~~

Section 36. Subsection (3) of section 400.19, Florida Statutes, is amended to read:

400.19 Right of entry and inspection.—

(3) The agency shall every 15 months conduct at least one unannounced inspection to determine compliance by the licensee with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of residents. The survey shall be conducted every 6 months for the next 2-year period if the facility has been cited for a class I deficiency, has been cited for two or more class II deficiencies arising from separate surveys or investigations within a 60-day period, or has had three or more substantiated complaints within a 6-month period, each resulting in at least one class I or class II deficiency. In addition to any other fees or fines in this part, the agency shall assess a fine for each facility that is subject to the 6-month survey cycle. The fine for the 2-year period shall be $6,000, one-half to be paid at the completion of each survey. The agency may adjust this fine by the change in the Consumer Price Index, based on the 12 months immediately preceding the increase, to cover the cost of the additional surveys. The agency shall verify through subsequent inspection that any deficiency identified during inspection is corrected. However, the agency may verify the correction of a class III or class IV deficiency ~~unrelated to resident rights or resident care~~ without reinspecting the facility if adequate written documentation has been received from the facility, which provides assurance that the deficiency has been corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the agency to any unauthorized person shall constitute cause for suspension of not fewer than 5 working days according to the provisions of chapter 110.

Section 37. Section 400.195, Florida Statutes, is repealed.

Section 38. Subsection (5) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(5)(a) The agency, in collaboration with the Division of Children's Medical Services Network of the Department of Health, must~~, no later than December 31, 1993,~~ adopt rules for minimum standards of care for persons under 21 years of age who reside in nursing home facilities. The rules must include a methodology for reviewing a nursing home facility under ss. 408.031-408.045 which serves only persons under 21 years of age. A facility may be exempt from these standards for specific persons between 18 and 21 years of age, if the person's physician agrees that minimum standards of care based on age are not necessary.

(b) The agency, in collaboration with the Division of Children's Medical Services Network, shall adopt rules for minimum staffing requirements for nursing home facilities that serve persons under 21 years of age, which shall apply in lieu of the standards contained in subsection (3).

1. For persons under 21 years of age who require skilled care, the requirements shall include a minimum combined average of licensed nurses, respiratory therapists, respiratory care practitioners, and certified nursing assistants of 3.9 hours of direct care per resident per day for each nursing home facility.

2. For persons under 21 years of age who are fragile, the requirements shall include a minimum combined average of licensed nurses, respiratory therapists, respiratory care practitioners, and certified nursing assistants of 5 hours of direct care per resident per day for each nursing home facility.

Section 39. Subsection (1) of section 400.275, Florida Statutes, is amended to read:

400.275 Agency duties.—

(1) ~~The agency shall ensure that each newly hired nursing home surveyor, as a part of basic training, is assigned full-time to a licensed nursing home for at least 2 days within a 7-day period to observe facility operations outside of the survey process before the surveyor begins survey responsibilities. Such observations may not be the sole basis of a deficiency citation against the facility.~~ The agency may not assign an individual to be a member of a survey team for purposes of a survey, evaluation, or consultation visit at a nursing home facility in which the surveyor was an employee within the preceding 2 ~~5~~ years.

Section 40. Subsection (2) of section 400.484, Florida Statutes, is amended to read:

400.484 Right of inspection; violations ~~deficiencies~~; fines.—

(2) The agency shall impose fines for various classes of violations ~~deficiencies~~ in accordance with the following schedule:

(a) Class I violations are defined in s. 408.813. ~~A class I deficiency is any act, omission, or practice that results in a patient's death, disablement, or permanent injury, or places a patient at imminent risk of death, disablement, or permanent injury.~~ Upon finding a class I violation ~~deficiency~~, the agency shall impose an administrative fine in the amount of $15,000 for each occurrence and each day that the violation ~~deficiency~~ exists.

(b) Class II violations are defined in s. 408.813. ~~A class II deficiency is any act, omission, or practice that has a direct adverse effect on the health, safety, or security of a patient.~~ Upon finding a class II violation ~~deficiency~~, the agency shall impose an administrative fine in the amount of $5,000 for each occurrence and each day that the violation ~~deficiency~~ exists.

(c) Class III violations are defined in s. 408.813. ~~A class III deficiency is any act, omission, or practice that has an indirect, adverse effect on the health, safety, or security of a patient.~~ Upon finding an uncorrected or repeated class III violation ~~deficiency~~, the agency shall impose an administrative fine not to exceed $1,000 for each occurrence and each day that the uncorrected or repeated violation ~~deficiency~~ exists.

(d) Class IV violations are defined in s. 408.813. ~~A class IV deficiency is any act, omission, or practice related to required reports, forms, or documents which does not have the potential of negatively affecting patients. These violations are of a type that the agency determines do not threaten the health, safety, or security of patients.~~ Upon finding an uncorrected or repeated class IV violation ~~deficiency~~, the agency shall impose an administrative fine not to exceed $500 for each occurrence and each day that the uncorrected or repeated violation ~~deficiency~~ exists.

Section 41. Paragraph (i) of subsection (1) and subsection (4) of section 400.606, Florida Statutes, are amended to read:

400.606 License; application; renewal; conditional license or permit; certificate of need.—

(1) In addition to the requirements of part II of chapter 408, the initial application and change of ownership application must be accompanied by a plan for the delivery of home, residential, and homelike inpatient hospice

services to terminally ill persons and their families. Such plan must contain, but need not be limited to:

~~(i) The projected annual operating cost of the hospice.~~

If the applicant is an existing licensed health care provider, the application must be accompanied by a copy of the most recent profit-loss statement and, if applicable, the most recent licensure inspection report.

(4) A freestanding hospice facility that is ~~primarily~~ engaged in providing inpatient and related services and that is not otherwise licensed as a health care facility shall be required to obtain a certificate of need. However, a freestanding hospice facility with six or fewer beds shall not be required to comply with institutional standards such as, but not limited to, standards requiring sprinkler systems, emergency electrical systems, or special lavatory devices.

Section 42. Subsection (2) of section 400.607, Florida Statutes, is amended to read:

400.607 Denial, suspension, revocation of license; emergency actions; imposition of administrative fine; grounds.—

(2) A violation of this part, part II of chapter 408, or applicable rules ~~Any of the following actions~~ by a licensed hospice or any of its employees shall be grounds for administrative action by the agency against a hospice.~~:~~

~~(a) A violation of the provisions of this part, part II of chapter 408, or applicable rules.~~

~~(b) An intentional or negligent act materially affecting the health or safety of a patient.~~

Section 43. Section 400.915, Florida Statutes, is amended to read:

400.915 Construction and renovation; requirements.—The requirements for the construction or renovation of a PPEC center shall comply with:

(1) The provisions of chapter 553, which pertain to building construction standards, including plumbing, electrical code, glass, manufactured buildings, accessibility for the physically disabled;

(2) The provisions of s. 633.022 and applicable rules pertaining to physical ~~minimum~~ standards for nonresidential child care ~~physical~~ facilities ~~in rule 10M-12.003, Florida Administrative Code, Child Care Standards~~; and

(3) The standards or rules adopted pursuant to this part and part II of chapter 408.

Section 44. Subsection (1) of section 400.925, Florida Statutes, is amended to read:

400.925 Definitions.—As used in this part, the term:

(1) "Accrediting organizations" means The Joint Commission ~~on Accreditation of Healthcare Organizations~~ or other national accreditation agencies whose standards for accreditation are comparable to those required by this part for licensure.

Section 45. Subsections (3) through (6) of section 400.931, Florida Statutes, are renumbered as subsections (2) through (5), respectively, and present subsection (2) of that section is amended to read:

400.931 Application for license; fee~~; provisional license; temporary permit~~.—

~~(2) As an alternative to submitting proof of financial ability to operate as required in s. 408.810(8), the applicant may submit a $50,000 surety bond to the agency.~~

Section 46. Subsection (2) of section 400.932, Florida Statutes, is amended to read:

400.932 Administrative penalties.—

(2) A violation of this part, part II of chapter 408, or applicable rules ~~Any of the following actions~~ by an employee of a home medical equipment provider shall be ~~are~~ grounds for administrative action or penalties by the agency.~~:~~

~~(a) Violation of this part, part II of chapter 408, or applicable rules.~~

~~(b) An intentional, reckless, or negligent act that materially affects the health or safety of a patient.~~

Section 47. Subsection (3) of section 400.967, Florida Statutes, is amended to read:

400.967 Rules and classification of violations ~~deficiencies~~.—

(3) The agency shall adopt rules to provide that, when the criteria established under this part and part II of chapter 408 are not met, such violations ~~deficiencies~~ shall be classified according to the nature of the violation ~~deficiency~~. The agency shall indicate the classification on the face of the notice of deficiencies as follows:

(a) Class I violations ~~deficiencies~~ are defined in s. 408.813 ~~those which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical harm would result therefrom. The condition or practice constituting a class I violation must be abated or eliminated immediately, unless a fixed period of time, as determined by the agency, is required for correction.~~ A class I violation ~~deficiency~~ is subject to a civil penalty in an amount not less than $5,000 and not exceeding $10,000 for each violation ~~deficiency~~. A fine may be levied notwithstanding the correction of the violation ~~deficiency~~.

(b) Class II violations ~~deficiencies~~ are defined in s. 408.813 ~~those which the agency determines have a direct or immediate relationship to the health, safety, or security of the facility residents, other than class I deficiencies~~. A class II violation ~~deficiency~~ is subject to a civil penalty in an amount not less than $1,000 and not exceeding $5,000 for each violation ~~deficiency~~. A citation for a class II violation ~~deficiency~~ shall specify the time within which the violation ~~deficiency~~ must be corrected. If a class II violation ~~deficiency~~ is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.

(c) Class III violations ~~deficiencies~~ are defined in s. 408.813 ~~those which the agency determines to have an indirect or potential relationship to the health, safety, or security of the facility residents, other than class I or class II deficiencies~~. A class III violation ~~deficiency~~ is subject to a civil penalty of not less than $500 and not exceeding $1,000 for each deficiency. A citation for a class III violation ~~deficiency~~ shall specify the time within which the violation ~~deficiency~~ must be corrected. If a class III violation ~~deficiency~~ is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.

(d) Class IV violations are defined in s. 408.813. Upon finding an uncorrected or repeated class IV violation, the agency shall impose an administrative fine not to exceed $500 for each occurrence and each day that the uncorrected or repeated violation exists.

Section 48. Subsections (4) and (7) of section 400.9905, Florida Statutes, are amended to read:

400.9905 Definitions.—

(4) "Clinic" means an entity at which health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable health service or equipment provider. For purposes of this part, the term does not include and the licensure requirements of this part do not apply to:

(a) Entities licensed or registered by the state under chapter 395; or entities licensed or registered by the state and providing only health care services within the scope of services authorized under their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services or other health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(b) Entities that own, directly or indirectly, entities licensed or registered by the state pursuant to chapter 395; or entities that own, directly or indirectly, entities licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(c) Entities that are owned, directly or indirectly, by an entity licensed or registered by the state pursuant to chapter 395; or entities that are owned, directly or indirectly, by an entity licensed or registered by the state and providing only health care services within the scope of services authorized

pursuant to their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital under chapter 395.

(d) Entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state pursuant to chapter 395; or entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(e) An entity that is exempt from federal taxation under 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan under 26 U.S.C. s. 409 that has a board of trustees not less than two-thirds of which are Florida-licensed health care practitioners and provides only physical therapy services under physician orders, any community college or university clinic, and any entity owned or operated by the federal or state government, including agencies, subdivisions, or municipalities thereof.

(f) A sole proprietorship, group practice, partnership, or corporation that provides health care services by physicians covered by s. 627.419, that is directly supervised by one or more of such physicians, and that is wholly owned by one or more of those physicians or by a physician and the spouse, parent, child, or sibling of that physician.

(g) A sole proprietorship, group practice, partnership, or corporation that provides health care services by licensed health care practitioners under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 480, chapter 484, chapter 486, chapter 490, chapter 491, or part I, part III, part X, part XIII, or part XIV of chapter 468, or s. 464.012, which are wholly owned by one or more licensed health care practitioners, or the licensed health care practitioners set forth in this paragraph and the spouse, parent, child, or sibling of a licensed health care practitioner, so long as one of the owners who is a licensed health care practitioner is supervising the business activities and is legally responsible for the entity's compliance with all federal and state laws. However, a health care practitioner may not supervise services beyond the scope of the practitioner's license, except that, for the purposes of this part, a clinic owned by a licensee in s. 456.053(3)(b) that provides only services authorized pursuant to s. 456.053(3)(b) may be supervised by a licensee specified in s. 456.053(3)(b).

(h) Clinical facilities affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows.

(i) Entities that provide only oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 or entities that provide oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 which are owned by a corporation whose shares are publicly traded on a recognized stock exchange.

(j) Clinical facilities affiliated with a college of chiropractic accredited by the Council on Chiropractic Education at which training is provided for chiropractic students.

(k) Entities that provide licensed practitioners to staff emergency departments or to deliver anesthesia services in facilities licensed under chapter 395 and that derive at least 90 percent of their gross annual revenues from the provision of such services. Entities claiming an exemption from licensure under this paragraph must provide documentation demonstrating compliance.

(l) Orthotic, ~~or~~ prosthetic, pediatric cardiology, or perinatology clinical facilities that are a publicly traded corporation or that are wholly owned, directly or indirectly, by a publicly traded corporation. As used in this paragraph, a publicly traded corporation is a corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange.

(m) Entities that are owned by a corporation that has $250 million or more in total annual sales of health care services provided by licensed health care practitioners if one or more of the owners of the entity is a health care practitioner who is licensed in this state, is responsible for supervising the business activities of the entity, and is legally responsible for the entity's compliance with state law for purposes of this section.

(n) Entities that are owned or controlled, directly or indirectly, by a publicly traded entity with $100 million or more, in the aggregate, in total annual revenues derived from providing health care services by licensed health care practitioners that are employed or contracted by an entity described in this paragraph.

(7) "Portable health service or equipment provider" means an entity that contracts with or employs persons to provide portable health care services or equipment to multiple locations ~~performing treatment or diagnostic testing of individuals~~, that bills third-party payors for those services, and that otherwise meets the definition of a clinic in subsection (4).

Section 49. Paragraph (b) of subsection (1) and paragraph (c) of subsection (4) of section 400.991, Florida Statutes, are amended to read:

400.991 License requirements; background screenings; prohibitions.—

(1)

(b) Each mobile clinic must obtain a separate health care clinic license and must provide to the agency, at least quarterly, its projected street location to enable the agency to locate and inspect such clinic. A portable health service or equipment provider must obtain a health care clinic license for a single administrative office and is not required to submit quarterly projected street locations.

(4) In addition to the requirements of part II of chapter 408, the applicant must file with the application satisfactory proof that the clinic is in compliance with this part and applicable rules, including:

(c) Proof of financial ability to operate as required under ss. ~~s.~~ 408.810(8) and 408.8065. ~~As an alternative to submitting proof of financial ability to operate as required under s. 408.810(8), the applicant may file a surety bond of at least $500,000 which guarantees that the clinic will act in full conformity with all legal requirements for operating a clinic, payable to the agency. The agency may adopt rules to specify related requirements for such surety bond.~~

Section 50. Paragraph (g) of subsection (1) and paragraph (a) of subsection (7) of section 400.9935, Florida Statutes, are amended to read:

400.9935 Clinic responsibilities.—

(1) Each clinic shall appoint a medical director or clinic director who shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:

(g) Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director or clinic director shall take immediate corrective action. If the clinic performs only the technical component of magnetic resonance imaging, static radiographs, computed tomography, or positron emission tomography, and provides the professional interpretation of such services, in a fixed facility that is accredited by The Joint Commission ~~on Accreditation of Healthcare Organizations~~ or the Accreditation Association for Ambulatory Health Care, and the American College of Radiology; and if, in the preceding quarter, the percentage of scans performed by that clinic which was billed to all personal injury protection insurance carriers was less than 15 percent, the chief financial officer of the clinic may, in a written acknowledgment provided to the agency, assume the responsibility for the conduct of the systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful.

(7)(a) Each clinic engaged in magnetic resonance imaging services must be accredited by The Joint Commission ~~on Accreditation of Healthcare Organizations~~, the American College of Radiology, or the Accreditation Association for Ambulatory Health Care, within 1 year after licensure. A clinic that is accredited by the American College of Radiology or is within the original 1-year period after licensure and replaces its core magnetic resonance imaging equipment shall be given 1 year after the date on which the equipment is replaced to attain accreditation. However, a clinic may

request a single, 6-month extension if it provides evidence to the agency establishing that, for good cause shown, such clinic cannot be accredited within 1 year after licensure, and that such accreditation will be completed within the 6-month extension. After obtaining accreditation as required by this subsection, each such clinic must maintain accreditation as a condition of renewal of its license. A clinic that files a change of ownership application must comply with the original accreditation timeframe requirements of the transferor. The agency shall deny a change of ownership application if the clinic is not in compliance with the accreditation requirements. When a clinic adds, replaces, or modifies magnetic resonance imaging equipment and the accreditation agency requires new accreditation, the clinic must be accredited within 1 year after the date of the addition, replacement, or modification but may request a single, 6-month extension if the clinic provides evidence of good cause to the agency.

Section 51. Subsection (2) of section 408.034, Florida Statutes, is amended to read:

408.034 Duties and responsibilities of agency; rules.—

(2) In the exercise of its authority to issue licenses to health care facilities and health service providers, as provided under chapters 393 and 395 and parts II, ~~and~~ IV, and VIII of chapter 400, the agency may not issue a license to any health care facility or health service provider that fails to receive a certificate of need or an exemption for the licensed facility or service.

Section 52. Paragraph (d) of subsection (1) of section 408.036, Florida Statutes, is amended to read:

408.036 Projects subject to review; exemptions.—

(1) APPLICABILITY.—Unless exempt under subsection (3), all health-care-related projects, as described in paragraphs (a)-(g), are subject to review and must file an application for a certificate of need with the agency. The agency is exclusively responsible for determining whether a health-care-related project is subject to review under ss. 408.031-408.045.

(d) The establishment of a hospice or hospice inpatient facility~~, except as provided in s. 408.043~~.

Section 53. Subsection (2) of section 408.043, Florida Statutes, is amended to read:

408.043 Special provisions.—

(2) HOSPICES.—When an application is made for a certificate of need to establish or to expand a hospice, the need for such hospice shall be determined on the basis of the need for and availability of hospice services in the community. The formula on which the certificate of need is based shall discourage regional monopolies and promote competition. The inpatient hospice care component of a hospice which is a freestanding facility, or a part of a facility, ~~which is primarily engaged in providing inpatient care and related services~~ and is not licensed as a health care facility shall also be required to obtain a certificate of need. Provision of hospice care by any current provider of health care is a significant change in service and therefore requires a certificate of need for such services.

Section 54. Paragraph (k) of subsection (3) of section 408.05, Florida Statutes, is amended to read:

408.05 Florida Center for Health Information and Policy Analysis.—

(3) COMPREHENSIVE HEALTH INFORMATION SYSTEM.—In order to produce comparable and uniform health information and statistics for the development of policy recommendations, the agency shall perform the following functions:

(k) Develop, in conjunction with the State Consumer Health Information and Policy Advisory Council, and implement a long-range plan for making available health care quality measures and financial data that will allow consumers to compare health care services. The health care quality measures and financial data the agency must make available shall include, but is not limited to, pharmaceuticals, physicians, health care facilities, and health plans and managed care entities. The agency shall submit the initial plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2006, and shall update the plan and report on the status of its implementation annually thereafter. The agency shall also make the plan and status report available to the public on its Internet website. As part of the plan, the agency shall identify the process and timeframes for implementation, any barriers to implementation, and recommendations of changes in the law that may be enacted by the Legislature to eliminate the barriers. As preliminary elements of the plan, the agency shall:

1. Make available patient-safety indicators, inpatient quality indicators, and performance outcome and patient charge data collected from health care facilities pursuant to s. 408.061(1)(a) and (2). The terms "patient-safety indicators" and "inpatient quality indicators" shall be as defined by the Centers for Medicare and Medicaid Services, the National Quality Forum, The Joint Commission ~~on Accreditation of Healthcare Organizations~~, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, or a similar national entity that establishes standards to measure the performance of health care providers, or by other states. The agency shall determine which conditions, procedures, health care quality measures, and patient charge data to disclose based upon input from the council. When determining which conditions and procedures are to be disclosed, the council and the agency shall consider variation in costs, variation in outcomes, and magnitude of variations and other relevant information. When determining which health care quality measures to disclose, the agency:

a. Shall consider such factors as volume of cases; average patient charges; average length of stay; complication rates; mortality rates; and infection rates, among others, which shall be adjusted for case mix and severity, if applicable.

b. May consider such additional measures that are adopted by the Centers for Medicare and Medicaid Studies, National Quality Forum, The Joint Commission ~~on Accreditation of Healthcare Organizations~~, the Agency for Healthcare Research and Quality, Centers for Disease Control and Prevention, or a similar national entity that establishes standards to measure the performance of health care providers, or by other states.

When determining which patient charge data to disclose, the agency shall include such measures as the average of undiscounted charges on frequently performed procedures and preventive diagnostic procedures, the range of procedure charges from highest to lowest, average net revenue per adjusted patient day, average cost per adjusted patient day, and average cost per admission, among others.

2. Make available performance measures, benefit design, and premium cost data from health plans licensed pursuant to chapter 627 or chapter 641. The agency shall determine which health care quality measures and member and subscriber cost data to disclose, based upon input from the council. When determining which data to disclose, the agency shall consider information that may be required by either individual or group purchasers to assess the value of the product, which may include membership satisfaction, quality of care, current enrollment or membership, coverage areas, accreditation status, premium costs, plan costs, premium increases, range of benefits, copayments and deductibles, accuracy and speed of claims payment, credentials of physicians, number of providers, names of network providers, and hospitals in the network. Health plans shall make available to the agency any such data or information that is not currently reported to the agency or the office.

3. Determine the method and format for public disclosure of data reported pursuant to this paragraph. The agency shall make its determination based upon input from the State Consumer Health Information and Policy Advisory Council. At a minimum, the data shall be made available on the agency's Internet website in a manner that allows consumers to conduct an interactive search that allows them to view and compare the information for specific providers. The website must include such additional information as is determined necessary to ensure that the website enhances informed decisionmaking among consumers and health care purchasers, which shall include, at a minimum, appropriate guidance on how to use the data and an explanation of why the data may vary from provider to provider. The data specified in subparagraph 1. shall be released no later than January 1, 2006, for the reporting of infection rates, and no later than October 1, 2005, for mortality rates and complication rates. The data specified in subparagraph 2. shall be released no later than October 1, 2006.

4. Publish on its website undiscounted charges for no fewer than 150 of the most commonly performed adult and pediatric procedures, including outpatient, inpatient, diagnostic, and preventative procedures.

Section 55. Paragraph (a) of subsection (1) of section 408.061, Florida Statutes, is amended to read:

408.061 Data collection; uniform systems of financial reporting; information relating to physician charges; confidential information; immunity.—

(1) The agency shall require the submission by health care facilities, health care providers, and health insurers of data necessary to carry out the agency's duties. Specifications for data to be collected under this section shall be developed by the agency with the assistance of technical advisory panels including representatives of affected entities, consumers, purchasers, and such other interested parties as may be determined by the agency.

(a) Data submitted by health care facilities, including the facilities as defined in chapter 395, shall include, but are not limited to: case-mix data, patient admission and discharge data, hospital emergency department data which shall include the number of patients treated in the emergency department of a licensed hospital reported by patient acuity level, data on hospital-acquired infections as specified by rule, data on complications as specified by rule, data on readmissions as specified by rule, with patient and provider-specific identifiers included, actual charge data by diagnostic groups, financial data, accounting data, operating expenses, expenses incurred for rendering services to patients who cannot or do not pay, interest charges, depreciation expenses based on the expected useful life of the property and equipment involved, and demographic data. The agency shall adopt nationally recognized risk adjustment methodologies or software consistent with the standards of the Agency for Healthcare Research and Quality and as selected by the agency for all data submitted as required by this section. Data may be obtained from documents such as, but not limited to: leases, contracts, debt instruments, itemized patient bills, medical record abstracts, and related diagnostic information. Reported data elements shall be reported electronically and ~~in accordance with rule 59E-7.012, Florida Administrative Code. Data submitted shall be~~ certified by the chief executive officer or an appropriate and duly authorized representative or employee of the licensed facility that the information submitted is true and accurate.

Section 56. Subsection (43) of section 408.07, Florida Statutes, is amended to read:

408.07 Definitions.—As used in this chapter, with the exception of ss. 408.031-408.045, the term:

(43) "Rural hospital" means an acute care hospital licensed under chapter 395, having 100 or fewer licensed beds and an emergency room, and which is:

(a) The sole provider within a county with a population density of no greater than 100 persons per square mile;

(b) An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from another acute care hospital within the same county;

(c) A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or fewer per square mile;

(d) A hospital with a service area that has a population of 100 persons or fewer per square mile. As used in this paragraph, the term "service area" means the fewest number of zip codes that account for 75 percent of the hospital's discharges for the most recent 5-year period, based on information available from the hospital inpatient discharge database in the Florida Center for Health Information and Policy Analysis at the Agency for Health Care Administration; or

(e) A critical access hospital.

Population densities used in this subsection must be based upon the most recently completed United States census. A hospital that received funds under s. 409.9116 for a quarter beginning no later than July 1, 2002, is deemed to have been and shall continue to be a rural hospital from that date through June 30, 2015, if the hospital continues to have 100 or fewer licensed beds and an emergency room~~, or meets the criteria of s. 395.602(2)(e)4~~. An acute care hospital that has not previously been designated as a rural hospital and that meets the criteria of this subsection shall be granted such designation upon application, including supporting documentation, to the Agency for Health Care Administration.

Section 57. Section 408.10, Florida Statutes, is amended to read:

408.10 Consumer complaints.—The agency shall~~:~~

~~(1)~~ publish and make available to the public a toll-free telephone number for the purpose of handling consumer complaints and shall serve as a liaison between consumer entities and other private entities and governmental entities for the disposition of problems identified by consumers of health care.

~~(2) Be empowered to investigate consumer complaints relating to problems with health care facilities' billing practices and issue reports to be made public in any cases where the agency determines the health care facility has engaged in billing practices which are unreasonable and unfair to the consumer.~~

Section 58. Subsections (12) through (30) of section 408.802, Florida Statutes, are renumbered as subsections (11) through (29), respectively, and present subsection (11) of that section is amended to read:

408.802 Applicability.—The provisions of this part apply to the provision of services that require licensure as defined in this part and to the following entities licensed, registered, or certified by the agency, as described in chapters 112, 383, 390, 394, 395, 400, 429, 440, 483, and 765:

~~(11) Private review agents, as provided under part I of chapter 395.~~

Section 59. Subsection (3) is added to section 408.804, Florida Statutes, to read:

408.804 License required; display.—

(3) Any person who knowingly alters, defaces, or falsifies a license certificate issued by the agency, or causes or procures any person to commit such an offense, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s 775.083. Any licensee or provider who displays an altered, defaced, or falsified license certificate is subject to the penalties set forth in s. 408.815 and an administrative fine of $1,000 for each day of illegal display.

Section 60. Paragraph (d) of subsection (2) of section 408.806, Florida Statutes, is amended, present subsections (3) through (8) are renumbered as subsections (4) through (9), respectively, and a new subsection (3) is added to that section, to read:

408.806 License application process.—

(2)

(d) ~~The agency shall notify the licensee by mail or electronically at least 90 days before the expiration of a license that a renewal license is necessary to continue operation.~~ The licensee's failure to timely file ~~submit~~ a renewal application and license application fee with the agency shall result in a $50 per day late fee charged to the licensee by the agency; however, the aggregate amount of the late fee may not exceed 50 percent of the licensure fee or $500, whichever is less. The agency shall provide a courtesy notice to the licensee by United States mail, electronically, or by any other manner at its address of record or mailing address, if provided, at least 90 days prior to the expiration of a license informing the licensee of the expiration of the license. If the agency does not provide the courtesy notice or the licensee does not receive the courtesy notice, the licensee continues to be legally obligated to timely file the renewal application and license application fee with the agency and is not excused from the payment of a late fee. If an application is received after the required filing date and exhibits a hand-canceled postmark obtained from a United States post office dated on or before the required filing date, no fine will be levied.

(3) Payment of the late fee is required to consider any late application complete, and failure to pay the late fee is considered an omission from the application.

Section 61. Subsections (6) and (9) of section 408.810, Florida Statutes, are amended to read:

408.810 Minimum licensure requirements.—In addition to the licensure requirements specified in this part, authorizing statutes, and applicable rules, each applicant and licensee must comply with the requirements of this section in order to obtain and maintain a license.

(6)(a) An applicant must provide the agency with proof of the applicant's legal right to occupy the property before a license may be issued. Proof may include, but need not be limited to, copies of warranty deeds, lease or rental agreements, contracts for deeds, quitclaim deeds, or other such documentation.

(b) In the event the property is encumbered by a mortgage or is leased, an applicant must provide the agency with proof that the mortgagor or landlord has been provided written notice of the applicant's intent as mortgagee or

tenant to provide services that require licensure and instruct the mortgagor or landlord to serve the agency by certified mail with copies of any foreclosure or eviction actions initiated by the mortgagor or landlord against the applicant.

(9) A controlling interest may not withhold from the agency any evidence of financial instability, including, but not limited to, checks returned due to insufficient funds, delinquent accounts, nonpayment of withholding taxes, unpaid utility expenses, nonpayment for essential services, or adverse court action concerning the financial viability of the provider or any other provider licensed under this part that is under the control of the controlling interest. A controlling interest shall notify the agency within 10 days after a court action to initiate bankruptcy, foreclosure, or eviction proceedings concerning the provider, in which the controlling interest is a petitioner or defendant. Any person who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day of continuing violation is a separate offense.

Section 62. Subsection (3) is added to section 408.813, Florida Statutes, to read:

408.813 Administrative fines; violations.—As a penalty for any violation of this part, authorizing statutes, or applicable rules, the agency may impose an administrative fine.

(3) The agency may impose an administrative fine for a violation that does not qualify as a class I, class II, class III, or class IV violation. Unless otherwise specified by law, the amount of the fine shall not exceed $500 for each violation. Unclassified violations may include:

(a) Violating any term or condition of a license.

(b) Violating any provision of this part, authorizing statutes, or applicable rules.

(c) Exceeding licensed capacity.

(d) Providing services beyond the scope of the license.

(e) Violating a moratorium imposed pursuant to s. 408.814.

Section 63. Subsection (5) is added to section 408.815, Florida Statutes, to read:

408.815 License or application denial; revocation.—

(5) In order to ensure the health, safety, and welfare of clients when a license has been denied, revoked, or is set to terminate, the agency may extend the license expiration date for a period of up to 30 days for the sole purpose of allowing the safe and orderly discharge of clients. The agency may impose conditions on the extension, including, but not limited to, prohibiting or limiting admissions, expedited discharge planning, required status reports, and mandatory monitoring by the agency or third parties. In imposing these conditions, the agency shall take into consideration the nature and number of clients, the availability and location of acceptable alternative placements, and the ability of the licensee to continue providing care to the clients. The agency may terminate the extension or modify the conditions at any time. This authority is in addition to any other authority granted to the agency under chapter 120, this part, and authorizing statutes but creates no right or entitlement to an extension of a license expiration date.

Section 64. Paragraph (k) of subsection (4) of section 409.221, Florida Statutes, is amended to read:

409.221 Consumer-directed care program.—

(4) CONSUMER-DIRECTED CARE.—

~~(k) *Reviews and reports.* —The agency and the Departments of Elderly Affairs, Health, and Children and Family Services and the Agency for Persons with Disabilities shall each, on an ongoing basis, review and assess the implementation of the consumer-directed care program. By January 15 of each year, the agency shall submit a written report to the Legislature that includes each department's review of the program and contains recommendations for improvements to the program.~~

Section 65. Subsection (1) of section 409.91196, Florida Statutes, is amended to read:

409.91196 Supplemental rebate agreements; public records and public meetings exemption.—

(1) The rebate amount, percent of rebate, manufacturer's pricing, and supplemental rebate, and other trade secrets as defined in s. 688.002 that the agency has identified for use in negotiations, held by the Agency for Health Care Administration under s. 409.912(39)(a)8.~~7.~~ are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 66. Paragraph (a) of subsection (39) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. A Medicaid preferred drug list, which shall be a listing of cost-effective therapeutic options recommended by the Medicaid Pharmacy and Therapeutics Committee established pursuant to s. 409.91195 and adopted by the agency for each therapeutic class on the preferred drug list. At the discretion of the committee, and when feasible, the preferred drug list should include at least two products in a therapeutic class. The agency may post the preferred drug list and updates to the preferred drug list on an Internet website without following the rulemaking procedures of chapter 120. Antiretroviral agents are excluded from the preferred drug list. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply unless the drug products' smallest marketed package is greater than a 34-day supply, or the drug is determined by the agency to be a maintenance drug in

which case a 100-day maximum supply may be authorized. The agency is authorized to seek any federal waivers necessary to implement these cost-control programs and to continue participation in the federal Medicaid rebate program, or alternatively to negotiate state-only manufacturer rebates. The agency may adopt rules to implement this subparagraph. The agency shall continue to provide unlimited contraceptive drugs and items. The agency must establish procedures to ensure that:

a. There is a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation; and

b. A 72-hour supply of the drug prescribed is provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of: the average wholesale price (AWP) minus 16.4 percent, the wholesaler acquisition cost (WAC) plus 4.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. For a prescribed drug billed as a 340B prescribed medication, the claim must meet the requirements of the Deficit Reduction Act of 2005 and the federal 340B program, contain a national drug code, and be billed at the actual acquisition cost or payment shall be denied.

4.~~3.~~ The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

5.~~4.~~ The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers. The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.

6.~~5.~~ The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

7.~~6.~~ The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

8.~~7.~~ The agency may establish a preferred drug list as described in this subsection, and, pursuant to the establishment of such preferred drug list, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug list. However, a pharmaceutical manufacturer is not guaranteed placement on the preferred drug list by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

9.~~8.~~ The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

10.~~9.~~ The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

11.~~10.~~a. The agency may implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program may include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

12.~~11.~~a. The agency shall implement a Medicaid prescription drug management system. The agency may contract with a vendor that has experience in operating prescription drug management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug management system must be designed to improve the quality of care and prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the development and adoption of best practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

(V) Track spending trends for prescription drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement disease management programs in cooperation with physicians and pharmacists, along with a model quality-based medication component for individuals having chronic medical conditions.

13.~~12.~~ The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

14.~~13.~~ The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

15.~~14.~~ The agency may require prior authorization for Medicaid-covered prescribed drugs. The agency may, but is not required to, prior-authorize the use of a product:

a. For an indication not approved in labeling;

b. To comply with certain clinical guidelines; or

c. If the product has the potential for overuse, misuse, or abuse.

The agency may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug. The agency may post prior authorization criteria and protocol and updates to the list of drugs that are subject to prior authorization on an Internet website without amending its rule or engaging in additional rulemaking.

16.~~15.~~ The agency, in conjunction with the Pharmaceutical and Therapeutics Committee, may require age-related prior authorizations for certain prescribed drugs. The agency may preauthorize the use of a drug for a recipient who may not meet the age requirement or may exceed the length of therapy for use of this product as recommended by the manufacturer and approved by the Food and Drug Administration. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug.

17.~~16.~~ The agency shall implement a step-therapy prior authorization approval process for medications excluded from the preferred drug list. Medications listed on the preferred drug list must be used within the previous 12 months prior to the alternative medications that are not listed. The step-therapy prior authorization may require the prescriber to use the medications of a similar drug class or for a similar medical indication unless contraindicated in the Food and Drug Administration labeling. The trial period between the specified steps may vary according to the medical indication. The step-therapy approval process shall be developed in accordance with the committee as stated in s. 409.91195(7) and (8). A drug product may be approved without meeting the step-therapy prior authorization criteria if the prescribing physician provides the agency with additional written medical or clinical documentation that the product is medically necessary because:

a. There is not a drug on the preferred drug list to treat the disease or medical condition which is an acceptable clinical alternative;

b. The alternatives have been ineffective in the treatment of the beneficiary's disease; or

c. Based on historic evidence and known characteristics of the patient and the drug, the drug is likely to be ineffective, or the number of doses have been ineffective.

The agency shall work with the physician to determine the best alternative for the patient. The agency may adopt rules waiving the requirements for written clinical documentation for specific drugs in limited clinical situations.

18.~~17.~~ The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a $5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. The agency shall determine if the program has reduced the amount of Medicaid prescription drugs which are destroyed on an annual basis and if there are additional ways to ensure more prescription drugs are not destroyed which could safely be reused. The agency's conclusion and recommendations shall be reported to the Legislature by December 1, 2005.

Section 67. Subsections (3) and (4) of section 429.07, Florida Statutes, are amended, and subsections (6) and (7) are added to that section, to read:

429.07 License required; fee; inspections.—

(3) In addition to the requirements of s. 408.806, each license granted by the agency must state the type of care for which the license is granted. Licenses shall be issued for one or more of the following categories of care: standard, extended congregate care, ~~limited nursing services,~~ or limited mental health.

(a) A standard license shall be issued to a facility ~~facilities~~ providing one or more of the personal services identified in s. 429.02. Such licensee ~~facilities~~ may also employ or contract with a person ~~licensed under part I of chapter 464~~ to ~~administer medications and~~ perform other tasks as specified in s. 429.255.

(b) An extended congregate care license shall be issued to a licensee ~~facilities~~ providing, directly or through contract, services beyond those authorized in paragraph (a), including acts performed pursuant to part I of chapter 464 by persons licensed thereunder, and supportive services defined by rule to persons who otherwise would be disqualified from continued residence in a facility licensed under this part.

1. In order for extended congregate care services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the ~~facility's~~ license, that such services may be provided and whether the designation applies to all or part of a facility. Such designation may be made at the time of initial licensure or relicensure, or upon request in writing by a licensee under this part and part II of chapter 408. Notification of

approval or denial of such request shall be made in accordance with part II of chapter 408. An existing licensee ~~facilities~~ qualifying to provide extended congregate care services must have maintained a standard license and ~~may~~ not ~~have~~ been subject to administrative sanctions during the previous 2 years, or since initial licensure if ~~the facility has been~~ licensed for less than 2 years, for any of the following reasons:

a. A class I or class II violation;

b. Three or more repeat or recurring class III violations of identical or similar resident care standards as specified in rule from which a pattern of noncompliance is found by the agency;

c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;

d. Violation of resident care standards resulting in a requirement to employ the services of a consultant pharmacist or consultant dietitian;

e. Denial, suspension, or revocation of a license for another facility under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or

f. Imposition of a moratorium pursuant to this part or part II of chapter 408 or initiation of injunctive proceedings.

2. A licensee ~~Facilities~~ that is ~~are~~ licensed to provide extended congregate care services shall maintain a written progress report for ~~on~~ each person who receives such services, and the ~~which~~ report must describe ~~describes~~ the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. ~~A registered nurse, or appropriate designee, representing the agency shall visit such facilities at least quarterly to monitor residents who are receiving extended congregate care services and to determine if the facility is in compliance with this part, part II of chapter 408, and rules that relate to extended congregate care. One of these visits may be in conjunction with the regular survey. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall serve as part of the team that inspects such facility. The agency may waive one of the required yearly monitoring visits for a facility that has been licensed for at least 24 months to provide extended congregate care services, if, during the inspection, the registered nurse determines that extended congregate care services are being provided appropriately, and if the facility has no class I or class II violations and no uncorrected class III violations. Before such decision is made, the agency shall consult with the long-term care ombudsman council for the area in which the facility is located to determine if any complaints have been made and substantiated about the quality of services or care. The agency may not waive one of the required yearly monitoring visits if complaints have been made and substantiated.~~

3. Licensees ~~Facilities~~ that are licensed to provide extended congregate care services shall:

a. Demonstrate the capability to meet unanticipated resident service needs.

b. Offer a physical environment that promotes a homelike setting, provides for resident privacy, promotes resident independence, and allows sufficient congregate space as defined by rule.

c. Have sufficient staff available, taking into account the physical plant and firesafety features of the building, to assist with the evacuation of residents in an emergency, as necessary.

d. Adopt and follow policies and procedures that maximize resident independence, dignity, choice, and decisionmaking to permit residents to age in place to the extent possible, so that moves due to changes in functional status are minimized or avoided.

e. Allow residents or, if applicable, a resident's representative, designee, surrogate, guardian, or attorney in fact to make a variety of personal choices, participate in developing service plans, and share responsibility in decisionmaking.

f. Implement the concept of managed risk.

g. Provide, either directly or through contract, the services of a person licensed pursuant to part I of chapter 464.

h. In addition to the training mandated in s. 429.52, provide specialized training as defined by rule for facility staff.

4. Licensees ~~Facilities~~ licensed to provide extended congregate care services are exempt from the criteria for continued residency as set forth in rules adopted under s. 429.41. Licensees ~~Facilities so licensed~~ shall adopt their own requirements within guidelines for continued residency set forth by rule. However, such licensees ~~facilities~~ may not serve residents who require 24-hour nursing supervision. Licensees ~~Facilities~~ licensed to provide extended congregate care services shall provide each resident with a written copy of facility policies governing admission and retention.

5. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the extended congregate care facility.

6. Before admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 429.26(4) and the facility must develop a preliminary service plan for the individual.

7. When a licensee ~~facility~~ can no longer provide or arrange for services in accordance with the resident's service plan and needs and the licensee's ~~facility's~~ policy, the licensee ~~facility~~ shall make arrangements for relocating the person in accordance with s. 429.28(1)(k).

8. Failure to provide extended congregate care services may result in denial of extended congregate care license renewal.

~~9. No later than January 1 of each year, the department, in consultation with the agency, shall prepare and submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate legislative committees, a report on the status of, and recommendations related to, extended congregate care services. The status report must include, but need not be limited to, the following information:~~

~~a. A description of the facilities licensed to provide such services, including total number of beds licensed under this part.~~

~~b. The number and characteristics of residents receiving such services.~~

~~c. The types of services rendered that could not be provided through a standard license.~~

~~d. An analysis of deficiencies cited during licensure inspections.~~

~~e. The number of residents who required extended congregate care services at admission and the source of admission.~~

~~f. Recommendations for statutory or regulatory changes.~~

~~g. The availability of extended congregate care to state clients residing in facilities licensed under this part and in need of additional services, and recommendations for appropriations to subsidize extended congregate care services for such persons.~~

~~h. Such other information as the department considers appropriate.~~

~~(c) A limited nursing services license shall be issued to a facility that provides services beyond those authorized in paragraph (a) and as specified in this paragraph.~~

~~1. In order for limited nursing services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided. Such designation may be made at the time of initial licensure or relicensure, or upon request in writing by a licensee under this part and part II of chapter 408. Notification of approval or denial of such request shall be made in accordance with part II of chapter 408. Existing facilities qualifying to provide limited nursing services shall have maintained a standard license and may not have been subject to administrative sanctions that affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.~~

~~2. Facilities that are licensed to provide limited nursing services shall maintain a written progress report on each person who receives such nursing services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse representing the agency shall visit such facilities at least twice a year to monitor residents who are receiving limited nursing services and to determine if the facility is in compliance with applicable provisions of this part, part II of chapter 408, and related rules. The monitoring visits may be provided through contractual arrangements with~~

~~appropriate community agencies. A registered nurse shall also serve as part of the team that inspects such facility.~~

~~3. A person who receives limited nursing services under this part must meet the admission criteria established by the agency for assisted living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 429.28(1)(k), unless the facility is licensed to provide extended congregate care services.~~

(4) In accordance with s. 408.805, an applicant or licensee shall pay a fee for each license application submitted under this part, part II of chapter 408, and applicable rules. The amount of the fee shall be established by rule.

(a) The biennial license fee required of a facility is $356 ~~$300~~ per license, with an additional fee of $67.50 ~~$50~~ per resident based on the total licensed resident capacity of the facility, except that no additional fee will be assessed for beds designated for recipients of optional state supplementation payments provided for in s. 409.212. The total fee may not exceed $18,000 ~~$10,000~~.

(b) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide extended congregate care services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be $501 ~~$400~~ per license, with an additional fee of $10 per resident based on the total licensed resident capacity of the facility.

~~(c) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide limited nursing services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be $250 per license, with an additional fee of $10 per resident based on the total licensed resident capacity of the facility.~~

(6) In order to determine whether the facility is adequately protecting residents' rights as provided in s. 429.28, the biennial survey shall include private informal conversations with a sample of residents and consultation with the ombudsman council in the planning and service area in which the facility is located to discuss residents' experiences within the facility.

(7) An assisted living facility that has been cited within the previous 24-month period for a class I or class II violation, regardless of the status of any enforcement or disciplinary action, is subject to periodic unannounced monitoring to determine if the facility is in compliance with this part, part II of chapter 408, and applicable rules. Monitoring may occur through a desk review or an onsite assessment. If the class I or class II violation relates to providing or failing to provide nursing care, a registered nurse must participate in at least two onsite monitoring visits within a 12-month period.

Section 68. Subsection (7) of section 429.11, Florida Statutes, is renumbered as subsection (6), and present subsection (6) of that section is amended to read:

429.11 Initial application for license~~; provisional license~~.—

~~(6) In addition to the license categories available in s. 408.808, a provisional license may be issued to an applicant making initial application for licensure or making application for a change of ownership. A provisional license shall be limited in duration to a specific period of time not to exceed 6 months, as determined by the agency.~~

Section 69. Section 429.12, Florida Statutes, is amended to read:

429.12 Sale or transfer of ownership of a facility.—It is the intent of the Legislature to protect the rights of the residents of an assisted living facility when the facility is sold or the ownership thereof is transferred. Therefore, in addition to the requirements of part II of chapter 408, whenever a facility is sold or the ownership thereof is transferred, including leasing~~:~~.

~~(1)~~ The transferee shall notify the residents, in writing, of the change of ownership within 7 days after receipt of the new license.

~~(2) The transferor of a facility the license of which is denied pending an administrative hearing shall, as a part of the written change-of-ownership contract, advise the transferee that a plan of correction must be submitted by the transferee and approved by the agency at least 7 days before the change of ownership and that failure to correct the condition which resulted in the moratorium pursuant to part II of chapter 408 or denial of licensure is grounds for denial of the transferee's license.~~

Section 70. Paragraphs (b) through (l) of subsection (1) of section 429.14, Florida Statutes, are redesignated as paragraphs (a) through (k), respectively, and present paragraph (a) of subsection (1) and subsections (5) and (6) of that section are amended to read:

429.14 Administrative penalties.—

(1) In addition to the requirements of part II of chapter 408, the agency may deny, revoke, and suspend any license issued under this part and impose an administrative fine in the manner provided in chapter 120 against a licensee of an assisted living facility for a violation of any provision of this part, part II of chapter 408, or applicable rules, or for any of the following actions by a licensee of an assisted living facility, for the actions of any person subject to level 2 background screening under s. 408.809, or for the actions of any facility employee:

~~(a) An intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.~~

(5) An action taken by the agency to suspend, deny, or revoke a facility's license under this part or part II of chapter 408, in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility shall be heard by the Division of Administrative Hearings of the Department of Management Services within 120 days after receipt of the facility's request for a hearing, unless that time limitation is waived by both parties. The administrative law judge must render a decision within 30 days after receipt of a proposed recommended order.

(6) The agency shall provide to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, on a monthly basis, a list of those assisted living facilities that have had their licenses denied, suspended, or revoked or that are involved in an appellate proceeding pursuant to s. 120.60 related to the denial, suspension, or revocation of a license. This information may be provided electronically or through the agency's Internet website.

Section 71. Subsections (1), (4), and (5) of section 429.17, Florida Statutes, are amended to read:

429.17 Expiration of license; renewal; conditional license.—

(1) ~~Limited nursing,~~ Extended congregate care~~,~~ and limited mental health licenses shall expire at the same time as the facility's standard license, regardless of when issued.

(4) In addition to the license categories available in s. 408.808, a conditional license may be issued to an applicant for license renewal if the applicant fails to meet all standards and requirements for licensure. A conditional license issued under this subsection shall be limited in duration to a specific period of time not to exceed 6 months, as determined by the agency~~,~~ ~~and shall be accompanied by an agency-approved plan of correction~~.

(5) When an extended congregate care ~~or limited nursing license~~ is requested during a facility's biennial license period, the fee shall be prorated in order to permit the additional license to expire at the end of the biennial license period. The fee shall be calculated as of the date the additional license application is received by the agency.

Section 72. Subsection (7) of section 429.19, Florida Statutes, is amended to read:

429.19 Violations; imposition of administrative fines; grounds.—

(7) In addition to any administrative fines imposed, the agency may assess a survey or monitoring fee, equal to the lesser of one half of the facility's biennial license and bed fee or $500, to cover the cost of conducting initial complaint investigations that result in the finding of a violation that was the subject of the complaint or to monitor the health, safety, or security of residents under s. 429.07 (7) ~~monitoring visits conducted under s. 429.28(3)(c) to verify the correction of the violations~~.

Section 73. Subsections (6) through (10) of section 429.23, Florida Statutes, are renumbered as subsections (5) through (9), respectively, and present subsection (5) of that section is amended to read:

429.23 Internal risk management and quality assurance program; adverse incidents and reporting requirements.—

~~(5) Each facility shall report monthly to the agency any liability claim filed against it. The report must include the name of the resident, the dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is not discoverable in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.~~

Section 74. Paragraph (a) of subsection (1) and subsection (2) of section 429.255, Florida Statutes, are amended to read:

429.255 Use of personnel; emergency care.—

(1)(a) Persons under contract to the facility or, facility staff, ~~or volunteers,~~ who are licensed according to part I of chapter 464, or those persons exempt under s. 464.022(1), and others as defined by rule, may administer medications to residents, take residents' vital signs, manage individual weekly pill organizers for residents who self-administer medication, give prepackaged enemas ordered by a physician, observe residents, document observations on the appropriate resident's record, report observations to the resident's physician, and contract or allow residents or a resident's representative, designee, surrogate, guardian, or attorney in fact to contract with a third party, provided residents meet the criteria for appropriate placement as defined in s. 429.26. Persons under contract to the facility or facility staff who are licensed according to part I of chapter 464 may provide limited nursing services. Nursing assistants certified pursuant to part II of chapter 464 may take residents' vital signs as directed by a licensed nurse or physician. The facility is responsible for maintaining documentation of services provided under this paragraph as required by rule and ensuring that staff are adequately trained to monitor residents receiving these services.

(2) In facilities licensed to provide extended congregate care, persons under contract to the facility or, facility staff, ~~or volunteers,~~ who are licensed according to part I of chapter 464, or those persons exempt under s. 464.022(1), or those persons certified as nursing assistants pursuant to part II of chapter 464, may also perform all duties within the scope of their license or certification, as approved by the facility administrator and pursuant to this part.

Section 75. Subsection (3) of section 429.28, Florida Statutes, is amended to read:

429.28 Resident bill of rights.—

~~(3)(a) The agency shall conduct a survey to determine general compliance with facility standards and compliance with residents' rights as a prerequisite to initial licensure or licensure renewal.~~

~~(b) In order to determine whether the facility is adequately protecting residents' rights, the biennial survey shall include private informal conversations with a sample of residents and consultation with the ombudsman council in the planning and service area in which the facility is located to discuss residents' experiences within the facility.~~

~~(c) During any calendar year in which no survey is conducted, the agency shall conduct at least one monitoring visit of each facility cited in the previous year for a class I or class II violation, or more than three uncorrected class III violations.~~

~~(d) The agency may conduct periodic followup inspections as necessary to monitor the compliance of facilities with a history of any class I, class II, or class III violations that threaten the health, safety, or security of residents.~~

~~(e) The agency may conduct complaint investigations as warranted to investigate any allegations of noncompliance with requirements required under this part or rules adopted under this part.~~

Section 76. Subsection (2) of section 429.35, Florida Statutes, is amended to read:

429.35 Maintenance of records; reports.—

(2) Within 60 days after the date of the biennial inspection visit required under s. 408.811 or within 30 days after the date of any interim visit, the agency shall forward the results of the inspection to the local ombudsman council in whose planning and service area, as defined in part II of chapter 400, the facility is located; to at least one public library or, in the absence of a public library, the county seat in the county in which the inspected assisted living facility is located; and, when appropriate, to the district Adult Services and Mental Health Program Offices. This information may be provided electronically or through the agency's Internet website.

Section 77. Paragraphs (i) and (j) of subsection (1) of section 429.41, Florida Statutes, are amended to read:

429.41 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of Children and Family Services, and the Department of Health, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(i) Facilities holding an ~~a limited nursing,~~ extended congregate care~~,~~ or limited mental health license.

(j) The establishment of specific criteria to define appropriateness of resident admission and continued residency in a facility holding a standard, ~~limited nursing,~~ extended congregate care, and limited mental health license.

Section 78. Subsections (1) and (2) of section 429.53, Florida Statutes, are amended to read:

429.53 Consultation by the agency.—

(1) The ~~area offices of licensure and certification of the~~ agency shall provide consultation to the following upon request:

(a) A licensee of a facility.

(b) A person interested in obtaining a license to operate a facility under this part.

(2) As used in this section, "consultation" includes:

(a) An explanation of the requirements of this part and rules adopted pursuant thereto;

(b) An explanation of the license application and renewal procedures;

~~(c) The provision of a checklist of general local and state approvals required prior to constructing or developing a facility and a listing of the types of agencies responsible for such approvals;~~

~~(d) An explanation of benefits and financial assistance available to a recipient of supplemental security income residing in a facility;~~

(c)~~(e)~~ Any other information which the agency deems necessary to promote compliance with the requirements of this part; and

~~(f) A preconstruction review of a facility to ensure compliance with agency rules and this part.~~

Section 79. Subsections (1) and (2) of section 429.54, Florida Statutes, are renumbered as subsections (2) and (3), respectively, and a new subsection (1) is added to that section to read:

429.54 Collection of information; local subsidy.—

(1) A facility that is licensed under this part must report electronically to the agency semiannually data related to the facility, including, but not limited to, the total number of residents, the number of residents who are receiving limited mental health services, the number of residents who are receiving extended congregate care services, the number of residents who are receiving limited nursing services, and professional staffing employed by or under contract with the licensee to provide resident services. The department, in consultation with the agency, shall adopt rules to administer this subsection.

Section 80. Subsections (1) and (5) of section 429.71, Florida Statutes, are amended to read:

429.71 Classification of violations ~~deficiencies~~; administrative fines.—

(1) In addition to the requirements of part II of chapter 408 and in addition to any other liability or penalty provided by law, the agency may impose an administrative fine on a provider according to the following classification:

(a) Class I violations are defined in s. 408.813 ~~those conditions or practices related to the operation and maintenance of an adult family-care home or to the care of residents which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical or emotional harm would result therefrom. The condition or practice that constitutes a class I violation must be abated or eliminated within 24 hours, unless a fixed period, as determined by the agency, is required for correction~~. A class I violation ~~deficiency~~ is subject to an administrative fine in an amount not less than $500 and not exceeding $1,000 for each violation. ~~A fine may be levied notwithstanding the correction of the deficiency.~~

(b) Class II violations are defined in s. 408.813 ~~those conditions or practices related to the operation and maintenance of an adult family care home or to the care of residents which the agency determines directly~~

~~threaten the physical or emotional health, safety, or security of the residents, other than class I violations~~. A class II violation is subject to an administrative fine in an amount not less than $250 and not exceeding $500 for each violation. ~~A citation for a class II violation must specify the time within which the violation is required to be corrected. If a class II violation is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.~~

(c) Class III violations are defined in s. 408.813 ~~those conditions or practices related to the operation and maintenance of an adult family-care home or to the care of residents which the agency determines indirectly or potentially threaten the physical or emotional health, safety, or security of residents, other than class I or class II violations~~. A class III violation is subject to an administrative fine in an amount not less than $100 and not exceeding $250 for each violation. ~~A citation for a class III violation shall specify the time within which the violation is required to be corrected.~~ If a class III violation is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated violation ~~offense~~.

(d) Class IV violations are defined in s. 408.813 ~~those conditions or occurrences related to the operation and maintenance of an adult family-care home, or related to the required reports, forms, or documents, which do not have the potential of negatively affecting the residents~~. ~~A provider that does not correct~~ A class IV violation ~~within the time limit specified by the agency~~ is subject to an administrative fine in an amount not less than $50 and not exceeding $100 for each violation. Any class IV violation that is corrected during the time the agency survey is conducted will be identified as an agency finding and not as a violation, unless it is a repeat violation.

~~(5) As an alternative to or in conjunction with an administrative action against a provider, the agency may request a plan of corrective action that demonstrates a good faith effort to remedy each violation by a specific date, subject to the approval of the agency.~~

Section 81. Paragraphs (b) through (e) of subsection (2) of section 429.911, Florida Statutes, are redesignated as paragraphs (a) through (d), respectively, and present paragraph (a) of that subsection is amended to read:

429.911 Denial, suspension, revocation of license; emergency action; administrative fines; investigations and inspections.—

(2) Each of the following actions by the owner of an adult day care center or by its operator or employee is a ground for action by the agency against the owner of the center or its operator or employee:

~~(a) An intentional or negligent act materially affecting the health or safety of center participants.~~

Section 82. Section 429.915, Florida Statutes, is amended to read:

429.915 Conditional license.—In addition to the license categories available in part II of chapter 408, the agency may issue a conditional license to an applicant for license renewal or change of ownership if the applicant fails to meet all standards and requirements for licensure. A conditional license issued under this subsection must be limited to a specific period not exceeding 6 months, as determined by the agency~~, and must be accompanied by an approved plan of correction~~.

Section 83. Paragraphs (b) and (h) of subsection (3) of section 430.80, Florida Statutes, are amended to read:

430.80 Implementation of a teaching nursing home pilot project.—

(3) To be designated as a teaching nursing home, a nursing home licensee must, at a minimum:

(b) Participate in a nationally recognized accreditation program and hold a valid accreditation, such as the accreditation awarded by The Joint Commission ~~on Accreditation of Healthcare Organizations~~;

(h) Maintain insurance coverage pursuant to s. 400.141(1)(q)~~(s)~~ or proof of financial responsibility in a minimum amount of $750,000. Such proof of financial responsibility may include:

1. Maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52; or

2. Obtaining and maintaining pursuant to chapter 675 an unexpired, irrevocable, nontransferable and nonassignable letter of credit issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized to receive deposits in this state. The letter of credit shall be used to satisfy the obligation of the facility to the claimant upon presentment of a final judgment indicating liability and awarding damages to be paid by the facility or upon presentment of a settlement agreement signed by all parties to the agreement when such final judgment or settlement is a result of a liability claim against the facility.

Section 84. Paragraph (a) of subsection (2) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.—

(a) Subject to the limitations specified elsewhere in this chapter, the employer shall furnish to the employee such medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery may require, which is in accordance with established practice parameters and protocols of treatment as provided for in this chapter, including medicines, medical supplies, durable medical equipment, orthoses, prostheses, and other medically necessary apparatus. Remedial treatment, care, and attendance, including work-hardening programs or pain-management programs accredited by the Commission on Accreditation of Rehabilitation Facilities or The Joint Commission ~~on the Accreditation of Health Organizations~~ or pain-management programs affiliated with medical schools, shall be considered as covered treatment only when such care is given based on a referral by a physician as defined in this chapter. Medically necessary treatment, care, and attendance does not include chiropractic services in excess of 24 treatments or rendered 12 weeks beyond the date of the initial chiropractic treatment, whichever comes first, unless the carrier authorizes additional treatment or the employee is catastrophically injured.

Failure of the carrier to timely comply with this subsection shall be a violation of this chapter and the carrier shall be subject to penalties as provided for in s. 440.525.

Section 85. Section 483.294, Florida Statutes, is amended to read:

483.294 Inspection of centers.—In accordance with s. 408.811, the agency shall biennially~~, at least once annually,~~ inspect the premises and operations of all centers subject to licensure under this part.

Section 86. Paragraph (a) of subsection (53) of section 499.003, Florida Statutes, is amended to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(53) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with s. 499.01(2)(g):

1. The purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a prescription drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of that organization.

2. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug by a charitable organization described in s. 501(c)(3) of the Internal Revenue Code of 1986, as amended and revised, to a nonprofit affiliate of the organization to the extent otherwise permitted by law.

3. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug among hospitals or other health care entities that are under common control. For purposes of this subparagraph, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, by voting rights, by contract, or otherwise.

4. The sale, purchase, trade, or other transfer of a prescription drug from or for any federal, state, or local government agency or any entity eligible to purchase prescription drugs at public health services prices pursuant to Pub. L. No. 102-585, s. 602 to a contract provider or its subcontractor for eligible patients of the agency or entity under the following conditions:

a. The agency or entity must obtain written authorization for the sale, purchase, trade, or other transfer of a prescription drug under this subparagraph from the State Surgeon General or his or her designee.

b. The contract provider or subcontractor must be authorized by law to administer or dispense prescription drugs.

c. In the case of a subcontractor, the agency or entity must be a party to and execute the subcontract.

~~d. A contract provider or subcontractor must maintain separate and apart from other prescription drug inventory any prescription drugs of the agency or entity in its possession.~~

d.~~e.~~ The contract provider and subcontractor must maintain and produce immediately for inspection all records of movement or transfer of all the prescription drugs belonging to the agency or entity, including, but not limited to, the records of receipt and disposition of prescription drugs. Each contractor and subcontractor dispensing or administering these drugs must maintain and produce records documenting the dispensing or administration. Records that are required to be maintained include, but are not limited to, a perpetual inventory itemizing drugs received and drugs dispensed by prescription number or administered by patient identifier, which must be submitted to the agency or entity quarterly.

e.~~f.~~ The contract provider or subcontractor may administer or dispense the prescription drugs only to the eligible patients of the agency or entity or must return the prescription drugs for or to the agency or entity. The contract provider or subcontractor must require proof from each person seeking to fill a prescription or obtain treatment that the person is an eligible patient of the agency or entity and must, at a minimum, maintain a copy of this proof as part of the records of the contractor or subcontractor required under sub-subparagraph d. ~~e.~~

f.~~g.~~ In addition to the departmental inspection authority set forth in s. 499.051, the establishment of the contract provider and subcontractor and all records pertaining to prescription drugs subject to this subparagraph shall be subject to inspection by the agency or entity. All records relating to prescription drugs of a manufacturer under this subparagraph shall be subject to audit by the manufacturer of those drugs, without identifying individual patient information.

Section 87. Subsection (1) of section 627.645, Florida Statutes, is amended to read:

627.645 Denial of health insurance claims restricted.—

(1) No claim for payment under a health insurance policy or self-insured program of health benefits for treatment, care, or services in a licensed hospital which is accredited by The Joint Commission ~~on the Accreditation of Hospitals~~, the American Osteopathic Association, or the Commission on the Accreditation of Rehabilitative Facilities shall be denied because such hospital lacks major surgical facilities and is primarily of a rehabilitative nature, if such rehabilitation is specifically for treatment of physical disability.

Section 88. Paragraph (c) of subsection (2) of section 627.668, Florida Statutes, is amended to read:

627.668 Optional coverage for mental and nervous disorders required; exception.—

(2) Under group policies or contracts, inpatient hospital benefits, partial hospitalization benefits, and outpatient benefits consisting of durational limits, dollar amounts, deductibles, and coinsurance factors shall not be less favorable than for physical illness generally, except that:

(c) Partial hospitalization benefits shall be provided under the direction of a licensed physician. For purposes of this part, the term "partial hospitalization services" is defined as those services offered by a program accredited by The Joint Commission ~~on Accreditation of Hospitals (JCAH)~~ or in compliance with equivalent standards. Alcohol rehabilitation programs accredited by The Joint Commission ~~on Accreditation of Hospitals~~ or approved by the state and licensed drug abuse rehabilitation programs shall also be qualified providers under this section. In any benefit year, if partial hospitalization services or a combination of inpatient and partial hospitalization are utilized, the total benefits paid for all such services shall not exceed the cost of 30 days of inpatient hospitalization for psychiatric services, including physician fees, which prevail in the community in which the partial hospitalization services are rendered. If partial hospitalization services benefits are provided beyond the limits set forth in this paragraph, the durational limits, dollar amounts, and coinsurance factors thereof need not be the same as those applicable to physical illness generally.

Section 89. Subsection (3) of section 627.669, Florida Statutes, is amended to read:

627.669 Optional coverage required for substance abuse impaired persons; exception.—

(3) The benefits provided under this section shall be applicable only if treatment is provided by, or under the supervision of, or is prescribed by, a licensed physician or licensed psychologist and if services are provided in a program accredited by The Joint Commission ~~on Accreditation of Hospitals~~ or approved by the state.

Section 90. Paragraph (a) of subsection (1) of section 627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(1) REQUIRED BENEFITS.—Every insurance policy complying with the security requirements of s. 627.733 shall provide personal injury protection to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in such motor vehicle, and other persons struck by such motor vehicle and suffering bodily injury while not an occupant of a self-propelled vehicle, subject to the provisions of subsection (2) and paragraph (4)(e), to a limit of $10,000 for loss sustained by any such person as a result of bodily injury, sickness, disease, or death arising out of the ownership, maintenance, or use of a motor vehicle as follows:

(a) *Medical benefits.*—Eighty percent of all reasonable expenses for medically necessary medical, surgical, X-ray, dental, and rehabilitative services, including prosthetic devices, and medically necessary ambulance, hospital, and nursing services. However, the medical benefits shall provide reimbursement only for such services and care that are lawfully provided, supervised, ordered, or prescribed by a physician licensed under chapter 458 or chapter 459, a dentist licensed under chapter 466, or a chiropractic physician licensed under chapter 460 or that are provided by any of the following persons or entities:

1. A hospital or ambulatory surgical center licensed under chapter 395.

2. A person or entity licensed under ss. 401.2101-401.45 that provides emergency transportation and treatment.

3. An entity wholly owned by one or more physicians licensed under chapter 458 or chapter 459, chiropractic physicians licensed under chapter 460, or dentists licensed under chapter 466 or by such practitioner or practitioners and the spouse, parent, child, or sibling of that practitioner or those practitioners.

4. An entity wholly owned, directly or indirectly, by a hospital or hospitals.

5. A health care clinic licensed under ss. 400.990-400.995 that is:

a. Accredited by The Joint Commission ~~on Accreditation of Healthcare Organizations~~, the American Osteopathic Association, the Commission on Accreditation of Rehabilitation Facilities, or the Accreditation Association for Ambulatory Health Care, Inc.; or

b. A health care clinic that:

(I) Has a medical director licensed under chapter 458, chapter 459, or chapter 460;

(II) Has been continuously licensed for more than 3 years or is a publicly traded corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange; and

(III) Provides at least four of the following medical specialties:

(A) General medicine.

(B) Radiography.

(C) Orthopedic medicine.

(D) Physical medicine.

(E) Physical therapy.

(F) Physical rehabilitation.

(G) Prescribing or dispensing outpatient prescription medication.

(H) Laboratory services.

The Financial Services Commission shall adopt by rule the form that must be used by an insurer and a health care provider specified in subparagraph 3., subparagraph 4., or subparagraph 5. to document that the health care provider

meets the criteria of this paragraph, which rule must include a requirement for a sworn statement or affidavit.

Only insurers writing motor vehicle liability insurance in this state may provide the required benefits of this section, and no such insurer shall require the purchase of any other motor vehicle coverage other than the purchase of property damage liability coverage as required by s. 627.7275 as a condition for providing such required benefits. Insurers may not require that property damage liability insurance in an amount greater than $10,000 be purchased in conjunction with personal injury protection. Such insurers shall make benefits and required property damage liability insurance coverage available through normal marketing channels. Any insurer writing motor vehicle liability insurance in this state who fails to comply with such availability requirement as a general business practice shall be deemed to have violated part IX of chapter 626, and such violation shall constitute an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance; and any such insurer committing such violation shall be subject to the penalties afforded in such part, as well as those which may be afforded elsewhere in the insurance code.

Section 91. Section 633.081, Florida Statutes, is amended to read:

633.081 Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.—The State Fire Marshal and her or his agents shall, at any reasonable hour, when the department has reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule promulgated thereunder, or a minimum firesafety code adopted by a local authority, may exist, inspect any and all buildings and structures which are subject to the requirements of this chapter or s. 509.215 and rules promulgated thereunder. The authority to inspect shall extend to all equipment, vehicles, and chemicals which are located within the premises of any such building or structure. <u>The State Fire Marshal and her or his agents shall inspect nursing homes licensed under part II of chapter 400 only once every calendar year and upon receiving a complaint forming the basis of a reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule promulgated thereunder, or a minimum firesafety code adopted by a local authority may exist and upon identifying such a violation in the course of conducting orientation or training activities within a nursing home.</u>

(1) Each county, municipality, and special district that has firesafety enforcement responsibilities shall employ or contract with a firesafety inspector. The firesafety inspector must conduct all firesafety inspections that are required by law. The governing body of a county, municipality, or special district that has firesafety enforcement responsibilities may provide a schedule of fees to pay only the costs of inspections conducted pursuant to this subsection and related administrative expenses. Two or more counties, municipalities, or special districts that have firesafety enforcement responsibilities may jointly employ or contract with a firesafety inspector.

(2) Every firesafety inspection conducted pursuant to state or local firesafety requirements shall be by a person certified as having met the inspection training requirements set by the State Fire Marshal. Such person shall:

(a) Be a high school graduate or the equivalent as determined by the department;

(b) Not have been found guilty of, or having pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States, or of any state thereof, which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases;

(c) Have her or his fingerprints on file with the department or with an agency designated by the department;

(d) Have good moral character as determined by the department;

(e) Be at least 18 years of age;

(f) Have satisfactorily completed the firesafety inspector certification examination as prescribed by the department; and

(g)1. Have satisfactorily completed, as determined by the department, a firesafety inspector training program of not less than 200 hours established by the department and administered by agencies and institutions approved by the department for the purpose of providing basic certification training for firesafety inspectors; or

2. Have received in another state training which is determined by the department to be at least equivalent to that required by the department for approved firesafety inspector education and training programs in this state.

(3) Each special state firesafety inspection which is required by law and is conducted by or on behalf of an agency of the state must be performed by an individual who has met the provision of subsection (2), except that the duration of the training program shall not exceed 120 hours of specific training for the type of property that such special state firesafety inspectors are assigned to inspect.

(4) A firefighter certified pursuant to s. 633.35 may conduct firesafety inspections, under the supervision of a certified firesafety inspector, while on duty as a member of a fire department company conducting inservice firesafety inspections without being certified as a firesafety inspector, if such firefighter has satisfactorily completed an inservice fire department company inspector training program of at least 24 hours' duration as provided by rule of the department.

(5) Every firesafety inspector or special state firesafety inspector certificate is valid for a period of 3 years from the date of issuance. Renewal of certification shall be subject to the affected person's completing proper application for renewal and meeting all of the requirements for renewal as established under this chapter or by rule promulgated thereunder, which shall include completion of at least 40 hours during the preceding 3-year period of continuing education as required by the rule of the department or, in lieu thereof, successful passage of an examination as established by the department.

(6) The State Fire Marshal may deny, refuse to renew, suspend, or revoke the certificate of a firesafety inspector or special state firesafety inspector if it finds that any of the following grounds exist:

(a) Any cause for which issuance of a certificate could have been refused had it then existed and been known to the State Fire Marshal.

(b) Violation of this chapter or any rule or order of the State Fire Marshal.

(c) Falsification of records relating to the certificate.

(d) Having been found guilty of or having pleaded guilty or nolo contendere to a felony, whether or not a judgment of conviction has been entered.

(e) Failure to meet any of the renewal requirements.

(f) Having been convicted of a crime in any jurisdiction which directly relates to the practice of fire code inspection, plan review, or administration.

(g) Making or filing a report or record that the certificateholder knows to be false, or knowingly inducing another to file a false report or record, or knowingly failing to file a report or record required by state or local law, or knowingly impeding or obstructing such filing, or knowingly inducing another person to impede or obstruct such filing.

(h) Failing to properly enforce applicable fire codes or permit requirements within this state which the certificateholder knows are applicable by committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property.

(i) Accepting labor, services, or materials at no charge or at a noncompetitive rate from any person who performs work that is under the enforcement authority of the certificateholder and who is not an immediate family member of the certificateholder. For the purpose of this paragraph, the term "immediate family member" means a spouse, child, parent, sibling, grandparent, aunt, uncle, or first cousin of the person or the person's spouse or any person who resides in the primary residence of the certificateholder.

(7) The department shall provide by rule for the certification of firesafety inspectors.

Section 92. Subsection (12) of section 641.495, Florida Statutes, is amended to read:

641.495 Requirements for issuance and maintenance of certificate.—

(12) The provisions of part I of chapter 395 do not apply to a health maintenance organization that, on or before January 1, 1991, provides not more than 10 outpatient holding beds for short-term and hospice-type patients in an ambulatory care facility for its members, provided that such health maintenance organization maintains current accreditation by The Joint Commission ~~on Accreditation of Health Care Organizations~~, the Accreditation Association for Ambulatory Health Care, or the National Committee for Quality Assurance.

Section 93. Subsection (13) of section 651.118, Florida Statutes, is amended to read:

651.118 Agency for Health Care Administration; certificates of need; sheltered beds; community beds.—

(13) Residents, as defined in this chapter, are not considered new admissions for the purpose of s. 400.141(1)(n)~~(o)~~1.d.

Section 94. Subsection (2) of section 766.1015, Florida Statutes, is amended to read:

766.1015 Civil immunity for members of or consultants to certain boards, committees, or other entities.—

(2) Such committee, board, group, commission, or other entity must be established in accordance with state law or in accordance with requirements of The Joint Commission ~~on Accreditation of Healthcare Organizations~~, established and duly constituted by one or more public or licensed private hospitals or behavioral health agencies, or established by a governmental agency. To be protected by this section, the act, decision, omission, or utterance may not be made or done in bad faith or with malicious intent.

Section 95. Subsection (4) of section 766.202, Florida Statutes, is amended to read:

766.202 Definitions; ss. 766.201-766.212.—As used in ss. 766.201-766.212, the term:

(4) "Health care provider" means any hospital, ambulatory surgical center, or mobile surgical facility as defined and licensed under chapter 395; a birth center licensed under chapter 383; any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, part I of chapter 464, chapter 466, chapter 467, part XIV of chapter 468, or chapter 486; a clinical lab licensed under chapter 483; a health maintenance organization certificated under part I of chapter 641; a blood bank; a plasma center; an industrial clinic; a renal dialysis facility; or a professional association partnership, corporation, joint venture, or other association for professional activity by health care providers.

Section 96. This act shall take effect July 1, 2010.

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to health care; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; amending s. 318.21, F.S.; revising distribution of funds from civil penalties imposed for traffic infractions by county courts; amending s. 381.00315, F.S.; directing the Department of Health to accept funds from counties, municipalities, and certain other entities for the purchase of certain products made available under a contract of the United States Department of Health and Human Services for the manufacture and delivery of such products in response to a public health emergency; amending s. 381.0072, F.S.; limiting Department of Health food service inspections in nursing homes; requiring the department to coordinate inspections with the Agency for Health Care Administration; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.602, F.S.; revising the definition of the term "rural hospital" to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the term "geriatric outpatient clinic"; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents' rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; amending 400.147, F.S.; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; amending s. 400.162, F.S., requiring nursing homes to provide a resident property statement annually and upon request; amending s. 400.179, F.S.; revising requirements for nursing home lease bond alternative fees; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; repealing s. 400.195, F.S., relating to agency reporting requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under

21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; providing that part X of ch, 400, F.S., the Health Care Clinic Act, does not apply to an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances or to an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; requiring proof of submission of notice to a mortgagor or landlord regarding provision of services requiring licensure; requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 408.815, F.S.; authorizing the agency to extend a license expiration date under certain circumstances; amending s. 409.221, F.S.; deleting a reporting requirement relating to the consumer-directed care program; amending s. 409.91196, F.S.; conforming a cross-reference; amending s. 409.912, F.S.; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; increasing the licensure fees and the maximum fee required for the standard license; increasing the licensure fees for the extended congregate care license; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that a biennial survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that an assisted living facility that has a class I or class II violation is subject to monitoring visits; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; revising notification requirements for the sale or transfer of ownership of an assisted living facility; amending s. 429.14, F.S.; removing a ground for the imposition of an administrative penalty; clarifying provisions relating to a facility's request for a hearing under certain circumstances; authorizing the agency to provide certain information relating to the licensure status of assisted living facilities electronically or through the agency's Internet website; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.19, F.S.; clarifying that a monitoring fee may be assessed in addition to an administrative fine; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; amending s. 429.35, F.S.; authorizing the agency to provide certain information relating to the inspections of assisted living facilities electronically or through the agency's Internet website; amending s. 429.41, F.S., relating to rulemaking; conforming provisions to changes made by the act; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.54, F.S.; requiring licensed assisted living facilities to electronically report certain data semiannually to the agency in accordance with rules adopted by the department; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.911, F.S.; deleting a ground for agency action against an adult day care center; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 483.294, F.S.; revising frequency of agency inspections of multiphasic health testing centers; amending s. 499.003, F.S.; removing a requirement that certain prescription drug purchasers maintain a separate inventory of certain prescription drugs; amending s. 633.081, F.S.; limiting Fire Marshal inspections of nursing homes to once a year; providing for additional inspections based on complaints and violations identified in the course of orientation or training activities; amending s. 766.202, F.S.; adding persons licensed under part XIV of ch. 468, F.S., to the

definition of "health care provider"; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and cross-references; revising a reference; providing an effective date.

Rep. Hudson moved the adoption of the amendment.

On motion by Rep. Patronis, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative Patronis offered the following:

(Amendment Bar Code: 861857)

Amendment 1 to Amendment 1 (with directory and title amendments)—Remove line 2284 and insert:

(32) "Medical convenience kit" means packages or units that contain combination products as defined in 21 C.F.R. s. 3.2(e)(2).

(43)~~(42)~~ "Prescription drug" means a prescription, medicinal, or legend drug, including, but not limited to, finished dosage forms or active ingredients subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s. 465.003(8), s. 499.007(13), or subsection (11), subsection (46) ~~(45)~~, or subsection (53) ~~(52)~~.

(54)~~(53)~~ "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with s. 499.01(2)(g):

1. The purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a prescription drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of that organization.

2. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug by a charitable organization described in s. 501(c)(3) of the Internal Revenue Code of 1986, as amended and revised, to a nonprofit affiliate of the organization to the extent otherwise permitted by law.

3. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug among hospitals or other health care entities that are under common control. For purposes of this subparagraph, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, by voting rights, by contract, or otherwise.

4. The sale, purchase, trade, or other transfer of a prescription drug from or for any federal, state, or local government agency or any entity eligible to purchase prescription drugs at public health services prices pursuant to Pub. L. No. 102-585, s. 602 to a contract provider or its subcontractor for eligible patients of the agency or entity under the following conditions:

a. The agency or entity must obtain written authorization for the sale, purchase, trade, or other transfer of a prescription drug under this subparagraph from the State Surgeon General or his or her designee.

b. The contract provider or subcontractor must be authorized by law to administer or dispense prescription drugs.

c. In the case of a subcontractor, the agency or entity must be a party to and execute the subcontract.

~~d. A contract provider or subcontractor must maintain separate and apart from other prescription drug inventory any prescription drugs of the agency or entity in its possession.~~

d.~~e.~~ The contract provider and subcontractor must maintain and produce immediately for inspection all records of movement or transfer of all the prescription drugs belonging to the agency or entity, including, but not limited to, the records of receipt and disposition of prescription drugs. Each contractor and subcontractor dispensing or administering these drugs must maintain and produce records documenting the dispensing or administration. Records that are required to be maintained include, but are not limited to, a perpetual inventory itemizing drugs received and drugs dispensed by prescription number or administered by patient identifier, which must be submitted to the agency or entity quarterly.

e.~~f.~~ The contract provider or subcontractor may administer or dispense the prescription drugs only to the eligible patients of the agency or entity or must return the prescription drugs for or to the agency or entity. The contract provider or subcontractor must require proof from each person seeking to fill a prescription or obtain treatment that the person is an eligible patient of the agency or entity and must, at a minimum, maintain a copy of this proof as part of the records of the contractor or subcontractor required under sub-subparagraph d. ~~e.~~

f.~~g.~~ In addition to the departmental inspection authority set forth in s. 499.051, the establishment of the contract provider and subcontractor and all records pertaining to prescription drugs subject to this subparagraph shall be subject to inspection by the agency or entity. All records relating to prescription drugs of a manufacturer under this subparagraph shall be subject to audit by the manufacturer of those drugs, without identifying individual patient information.

Section 85. Paragraph (i) is added to subsection (3) of section 499.01212, Florida Statutes, to read:

499.01212 Pedigree paper.—

(3) EXCEPTIONS.—A pedigree paper is not required for:

(i) The wholesale distribution of prescription drugs contained within a medical convenience kit if:

1. The medical convenience kit is assembled in an establishment that is registered as a medical device manufacturer with the United States Food and Drug Administration;

2. The medical convenience kit manufacturer purchased the prescription drug directly from the manufacturer or from a wholesaler that purchased the prescription drug directly from the manufacturer;

3. The medical convenience kit manufacturer complies with federal law for the distribution of the prescription drugs within the kit; and

4. The drugs contained in the medical convenience kit are:

a. Intravenous solutions intended for the replenishment of fluids and electrolytes;

b. Products intended to maintain the equilibrium of water and minerals in the body;

c. Products intended for irrigation or reconstitution;

d. Anesthetics; or

e. Anticoagulants.

This exemption does not apply to a convenience kit containing any controlled substance that appears in a schedule contained in or subject to chapter 893 or the federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

D I R E C T O R Y A M E N D M E N T

Remove lines 2880-2881 and insert:

Section 86. Subsections (32) through (54) of section 499.003, Florida Statutes, are renumbered as subsections (33) through (55), respectively, present subsection (42) and paragraph (a) of present subsection (53) are amended, and a new subsection (32) is added to that subsection, to read:

T I T L E A M E N D M E N T

Remove line 3530 and insert:

499.003, F.S.; defining the term "medical convenience kit" for purposes of pt. I of ch. 499, F.S.; providing an exception to applicability of the term; removing a requirement that certain

Rep. Patronis moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 7161—A bill to be entitled An act relating to court-appointed counsel; amending s. 938.29, F.S.; specifying that a lien for the cost of court-appointed counsel against a parent for services provided to a child does not expire upon the emancipation of the child or upon the child reaching the age of majority; amending s. 57.082, F.S.; clarifying proceedings in which a party may qualify for court-appointed counsel; revising provisions relating to the payment of an application fee by a person eligible for court-appointed counsel; amending s. 39.0134, F.S.; revising a cross-reference relating to enforcement of liens for court-ordered payment of attorney's fees and costs; specifying circumstances under which a parent receiving assistance of appointed counsel shall be liable for payment of an application fee and attorney's fees and costs; providing for payment of such fees and costs; providing for deposit and disposition of fee proceeds; providing an effective date.

—was read the second time by title.

On motion by Rep. Adams, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Adams offered the following:

(Amendment Bar Code: 637239)

Amendment 1 (with title amendment)—Between lines 108 and 109, insert:

Section 4. Subsection (6) of section 28.246, Florida Statutes, is amended to read:

28.246 Payment of court-related fees, charges, and costs; partial payments; distribution of funds.—

(6) A clerk of court shall pursue the collection of any fees, service charges, fines, court costs, and liens for the payment of attorney's fees and costs pursuant to s. 938.29 which remain unpaid after 90 days by referring the account to a private attorney who is a member in good standing of The Florida Bar or collection agent who is registered and in good standing pursuant to chapter 559. In pursuing the collection of such unpaid financial obligations through a private attorney or collection agent, the clerk of the court must have attempted to collect the unpaid amount through a collection court, collections docket, or other collections process, if any, established by the court, find this to be cost-effective and follow any applicable procurement practices. The collection fee, including any reasonable attorney's fee, paid to any attorney or collection agent retained by the clerk may be added to the balance owed in an amount not to exceed 40 percent of the amount owed at the time the account is referred to the attorney or agent for collection. The clerk shall, upon request, give the private attorney or collection agent any financial affidavit, application for the appointment of court appointed counsel, order appointing counsel due to indigency, or other document or information that would assist in the collections, notwithstanding whether or not the court file is otherwise confidential from disclosure.

T I T L E A M E N D M E N T

Remove line 18 and insert:

and disposition of fee proceeds; amending s. 28.246, F.S.; providing that a clerk of court must provide certain information to an attorney or collection agent employed by the clerk to collect a debt owed to the clerk; providing an effective

Rep. Adams moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 7181 was temporarily postponed.

CS/HB 33—A bill to be entitled An act relating to selling, giving, or serving alcoholic beverages to persons under 21 years of age; amending s. 562.11, F.S.; increasing the penalty imposed for a second or subsequent offense of selling, giving, or serving alcoholic beverages to a person under 21 years of age within a specified period following the prior offense; providing a defense; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 813 was temporarily postponed.

CS/CS/HB 1033—A bill to be entitled An act relating to road designations; designating Perdido Key Parkway in Escambia County; designating Orange Bowl Way in Miami-Dade County; designating Colonel Bud Day Boulevard in Okaloosa County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

Rep. Y. Roberson moved that a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 841 was temporarily postponed.

CS/CS/CS/HB 1271—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; authorizing the Department of Transportation to grant a specified pay additive to law enforcement officers assigned to the Office of Motor Carrier Compliance who maintain certification by the Commercial Vehicle Safety Alliance; amending s. 212.055, F.S.; providing that the county commission may apply the proceeds from the charter county transportation system surtax to the planning, development, construction, expansion, operation, and maintenance of on-demand transportation services; defining the term "on-demand transportation services"; amending s. 310.0015, F.S., relating to pilotage rates; providing for such rates to be set by the Pilotage Rate Review Committee to conform to changes made by the act; amending s. 310.002, F.S.; revising the definition of the term "pilotage" to conform to changes made by the act; amending s. 310.011, F.S.; revising the membership of the Board of Pilot Commissioners; amending s. 310.151, F.S.; redesignating the "Pilotage Rate Review Board" as the "Pilotage Rate Review Committee"; providing that the committee is part of the Board of Pilot Commissioners; revising membership and providing for appointment of members from among the commissioners; requiring members to comply with specified disclosure requirements; providing that decisions of the committee regarding rates are not appealable to the board; directing the Governor to make certain appointments to the Board of Pilot Commissioners before a certain date; repealing s. 315.03(12)(c), F.S., relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 316.003, F.S.; defining the term "motor carrier transportation contract" for purposes of the Florida Uniform Traffic Control Law; amending s. 316.1001, F.S.; revising the method to be used to provide notice following the issuance of a citation for failure to pay a toll; providing that receipt of the citation rather than its mailing constitutes notification; authorizing any governmental entity, including the clerk of court, to provide certain data to the Department of Highway Safety and Motor Vehicles regarding outstanding violations for failure to pay tolls; amending s. 316.302, F.S.; revising reference to specified federal rules and regulations applicable to owners and drivers of commercial motor vehicles engaged in intrastate commerce; providing that certain indemnification provisions in motor carrier transportation contracts are against public policy and are void and unenforceable; defining the term "promisee," as used in motor carrier transportation contracts; provides an exception to such definition; providing for application to certain contracts; amending s. 316.515, F.S.; conforming a cross-reference; amending s. 316.545, F.S.; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits; requiring the operator to

provide certification of the weight of the idle-reduction technology and to demonstrate or certify that the idle-reduction technology is fully functional at all times; amending s. 316.550, F.S.; authorizing the department or local authority to issue permits for certain vehicles to operate on certain routes; providing restrictions on routes; providing conditions when vehicles must be unloaded; conforming a cross-reference; amending s. 318.18, F.S.; revising provisions for distribution of proceeds collected by the clerk of the court for disposition of citations for failure to pay a toll; providing alternative procedures for disposition of such citation; providing for adjudication to be withheld and no points assessed against the driver's license unless adjudication is imposed by a court; authorizing a court to direct the department to suspend a person's driver's license for violations involving the failure to pay tolls; amending s. 320.03, F.S.; clarifying provisions requiring that the tax collector withhold issuance of a license plate or revalidation sticker if certain fines are outstanding; amending s. 320.08, F.S.; providing that specified license tax provisions apply to wreckers used for certain purposes; amending s. 320.08058, F.S.; revising authorized uses of revenue received from the sale of United We Stand license plates; amending s. 322.27, F.S.; providing for assessment of points against a driver's license for specified violations of requirements to pay a toll only when the points are imposed by a court; repealing s. 332.14, F.S., relating to the Secure Airports for Florida's Economy Council; providing for the use of funds accrued by the Secure Airports for Florida's Economy Council; amending s. 337.14, F.S.; revising application procedures for the qualification of contractors; requiring any required interim financial statement to be accompanied by an updated application; amending s. 337.401, F.S.; revising provisions for rules of the department that provide for the placement of and access to certain electrical transmission lines on the right-of-way of department-controlled roads; authorizing the rules to include that the use of the limited access right-of-way for longitudinal placement of such transmission lines is reasonable based upon consideration of certain economic and environmental factors; providing that removal or relocation of a transmission line shall be at the expense of the utility; amending s. 337.406, F.S.; prohibiting camping on certain parts of the right-of-way of the State Highway System; amending s. 338.155, F.S.; authorizing the department to adopt rules relating to the payment, collection, and enforcement of tolls; amending ss. 341.051 and 341.3025, F.S.; requiring the use of universal common contactless fare media on new or upgraded public rail transit systems or public transit systems connecting to such rail systems; amending s. 343.64, F.S.; authorizing the Central Florida Regional Transportation Authority to borrow funds under certain circumstances; amending s. 348.51, F.S.; revising the definition for the term "bonds" when used in the Tampa-Hillsborough County Expressway Authority Law; amending s. 348.545, F.S.; authorizing certain costs to be financed by bonds issued on behalf of the Tampa-Hillsborough County Expressway Authority pursuant to the State Bond Act or bonds issued by the authority under specified provisions; amending s. 348.56, F.S.; authorizing bonds to be issued on behalf of the authority pursuant to the State Bond Act or issued by the authority under specified provisions; revising requirements for such bonds; requiring the bonds to be sold at public sale; authorizing the authority to negotiate the sale of bonds with underwriters under certain circumstances; amending s. 348.565, F.S.; providing that facilities of the expressway system are approved to be refinanced by the revenue bonds issued by the Division of Bond Finance of the State Board of Administration and the State Bond Act or by revenue bonds issued by the authority; providing that certain projects of the authority are approved for financing or refinancing by revenue bonds; amending s. 348.57, F.S.; authorizing the authority to provide for the issuance of certain bonds for the refunding of bonds outstanding regardless of whether the bonds being refunded were issued by the authority or on behalf of the authority; amending s. 348.70, F.S.; providing that the Tampa-Hillsborough County Expressway Authority Law does not repeal, rescind, or modify any other laws; providing that such law supersedes laws that are inconsistent with the provisions of that law; creating pt. XI of ch. 348, F.S., titled "Osceola County Expressway Authority"; providing a short title; providing definitions; creating the Osceola County Expressway Authority as an agency of the state; providing for a governing body of the authority; providing for membership, terms, organization, personnel, and administration; authorizing payment of travel and other expenses; directing the authority to cooperate with and participate in any efforts to establish a regional expressway authority; providing that the authority is not eligible for voting membership in certain metropolitan planning organizations; providing purposes and powers of the authority for acquisition, construction, expansion, maintenance, improvement, operation, ownership, and leasing of the Osceola County Expressway System; providing for use of certain funds to pay or secure obligations; authorizing use of the Osceola County gasoline tax under certain conditions; authorizing the authority to enter into partnerships and other agreements; authorizing the authority to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards, and electronic toll payment systems thereon, outside the jurisdictional boundaries of Osceola County; authorizing the authority to enter into an interlocal agreement with the Orlando-Orange County Expressway Authority to coordinate and plan for projects; prohibiting the authority from pledging the credit or taxing power of the state; requiring consent of local and county jurisdictions prior to acquisition of rights-of-way; requiring consent of local and county jurisdictions for agreements that would restrict construction of roads; providing for bond financing of improvements to certain facilities; providing for issuance and sale of bonds; providing for the employment of fiscal agents; authorizing the State Board of Administration to act as fiscal agent; providing approval of certain facilities that have been financed by the issuance of bonds or other evidence of indebtedness; providing for rights and remedies granted to bondholders; providing for appointment of a trustee to represent the bondholders; providing for appointment of a receiver to take possession of, operate, and maintain the system; providing for lease of the system to the department under a lease-purchase agreement; authorizing the department to act in place of the authority under terms of the lease-purchase agreement; requiring approval by the county for certain provisions of the lease-purchase agreement; providing that upon termination of such lease-purchase agreement title to the system shall be transferred to the state; providing that no pledge of Osceola County gasoline tax funds as rentals under such lease-purchase agreement shall be made without the consent of Osceola County; authorizing the department to expend a limited amount of funds; providing that the system is part of the state road system; providing for the authority to appoint the department as its agent for certain construction purposes; authorizing the authority to acquire property; authorizing the authority to exercise eminent domain; limiting liability of the authority for preexisting contamination of an acquired property; providing for remedial acts necessary due to such contamination; authorizing agreements between the authority and other entities; providing pledge of the state to bondholders; exempting the authority from taxation; providing that investment in such bonds or other obligations constitutes legal investments; providing that such bonds are eligible for deposit as security for state, municipal, and other public funds; providing that pledges shall be enforceable by bondholders; providing for application and construction of the part; authorizing certain audits of the authority by the Osceola County auditor; requiring reports of such audits to be submitted to the authority and the governing body of Osceola County; providing for dissolution of the authority under certain circumstances; amending s. 369.317, F.S.; providing that certain activity relating to mitigation of certain environmental impacts in the Wekiva Study Area or the Wekiva parkway alignment corridor meet specified impact requirements under certain conditions; amending s. 373.41492, F.S.; increasing the mitigation fee for mining activities in the Miami-Dade County Lake Belt; suspending an annual increase in the mitigation fee; revising the frequency of an interagency committee report; amending s. 403.4131, F.S.; removing provisions relating to a report on the adopt-a-highway program; amending s. 479.01, F.S.; defining the terms "allowable uses," "commercial use," "industrial use," and "zoning category" and revising the definition of the terms "commercial or industrial zone" and "main-traveled way" for purposes of provisions relating to outdoor advertising; conforming cross-references; amending s. 479.07, F.S.; providing for the placement of new or replacement signs erected on an interstate highway in certain areas; requiring such sign to be located on land designated for commercial or industrial use under the future land use map and land use development regulations; exempting such location from specified evaluation criteria; amending s. 479.261, F.S.; removing a provision authorizing the Department of Transportation to rotate certain logo signs relating to gas, food, and lodging

services on the rights-of-way of the interstate highway system during a specified period; reducing the annual permit fees for businesses participating in the interstate highway logo sign program; designating pts. I and II of ch. 479, F.S., entitled "General Provisions" and "Special Programs," respectively; creating pt. III of ch. 479, F.S., entitled "Sign Removal"; creating s. 479.310, F.S.; providing intent relating to unpermitted and illegal signs; placing financial responsibility for the removal of such signs; providing the department authority to recover costs of removal of such signs; creating s. 479.311, F.S., providing jurisdiction to consider claims to recover costs; defining the term "venue" for the purposes of a claim filed by the department; creating s. 479.312, F.S.; providing that costs incurred by the department in removing certain signs shall be assessed against certain individuals; providing presumption of a ownership; creating s. 479.313, F.S.; providing for the assessment of the cost of removal for signs following the revocation of a sign permit; creating s. 479.315, F.S.; providing for the assessment of the cost of removal of signs located within a highway right-of-way; amending s. 705.18, F.S.; removing provisions for disposal of personal property lost or abandoned at certain public-use airports; creating s. 705.182, F.S.; providing for disposal of personal property found on premises owned or controlled by the operator of a public-use airport; providing a timeframe for the property to be claimed; providing options for disposing of such personal property; providing procedures for selling abandoned personal property; providing for notice of sale; providing that the rightful owner of such property may reclaim the property at any time prior to sale; permitting airport tenants to establish lost and found procedures; providing that purchaser holds title to the property free of the rights of persons then holding any legal or equitable interest thereto; creating s. 705.183, F.S.; providing for disposition of derelict or abandoned aircraft on the premises of public-use airports; providing procedures for such disposition; requiring a record of when the aircraft is found; defining the terms "derelict aircraft" and "abandoned aircraft"; providing for notification of aircraft owner and all persons having an equitable or legal interest in the aircraft; providing for notice if the owner of the aircraft is unknown or cannot be found; providing for disposition if the aircraft is not removed upon payment of required fees; requiring any sale of the aircraft to be at a public auction; providing notice requirements for such public auction; providing procedures for disposal of the aircraft; providing for liability if charges and costs related to the disposition are more than that obtained from the sale; providing for a lien by the airport for fees and charges; providing for notice of lien; requiring recording of a claim of lien; providing for the form of the claim of lien; providing for service of the claim of lien; providing that the purchaser of the aircraft takes the property free of rights of persons holding legal or equitable interest in the aircraft; requiring purchaser or recipient to notify the Federal Aviation Administration of change in ownership; providing for disposition of moneys received for an aircraft sold at public sale; authorizing the airport to issue documents relating to the aircraft's disposal; creating s. 705.184, F.S.; providing for disposition of derelict or abandoned motor vehicles on the premises of public-use airports; providing procedures; requiring recording of the abandoned motor vehicle; defining the terms "derelict motor vehicle" and "abandoned motor vehicle"; providing for removal of such motor vehicle from airport premises; providing for notice to the owner, the company insuring the motor vehicle, and any lienholder; providing for disposition if the motor vehicle is not removed upon payment of required fees; requiring any sale of the motor vehicle to be at a public auction; providing notice requirements for such public auction; providing procedures for disposal of the motor vehicle; providing for a lien by the airport or a licensed independent wrecker for fees and charges; providing for notice of lien; requiring recording of a claim of lien; providing for the form of the claim of lien; providing for service of claim of lien; providing that the purchaser of the motor vehicle takes the property free of the rights of persons holding legal or equitable interest in the motor vehicle; amending s. 479.156, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Representative Horner offered the following:

(Amendment Bar Code: 175693)

Amendment 1 (with title amendment)—Remove lines 325-335

T I T L E A M E N D M E N T

Remove lines 2-7 and insert:

An act relating to transportation; amending s. 212.055, F.S.; providing that the

Rep. Horner moved the adoption of the amendment, which was adopted.

Representative Patronis offered the following:

(Amendment Bar Code: 696797)

Amendment 2 (with title amendment)—Remove lines 351-414 and insert:

(1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX.—

(a) Each charter county that has adopted a charter, ~~and~~ each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under chapter 343 or chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

(b) The rate shall be up to 1 percent.

(c) The proposal to adopt a discretionary sales surtax as provided in this subsection and to create a trust fund within the county accounts shall be placed on the ballot in accordance with law at a time to be set at the discretion of the governing body.

(d) Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the county commission deems appropriate:

1. Deposited by the county in the trust fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, on-demand transportation services, and related costs of a fixed guideway rapid transit system;

2. Remitted by the governing body of the county to an expressway, transit, or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the county, for the operation and maintenance of a bus system, for the operation and maintenance of on-demand transportation services, for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges;

3. Used by the ~~charter~~ county for the development, construction, operation, and maintenance of roads and bridges in the county; for the expansion, operation, and maintenance of bus and fixed guideway systems; for the expansion, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges and no more than 25 percent used for nontransit uses; and

4. Used by the ~~charter~~ county for the planning, development, construction, operation, and maintenance of roads and bridges in the county; for the planning, development, expansion, operation, and maintenance of bus and fixed guideway systems; for the planning, development, construction, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds

issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges. Pursuant to an interlocal agreement entered into pursuant to chapter 163, the governing body of the ~~charter~~ county may distribute proceeds from the tax to a municipality, or an expressway or transportation authority created by law to be expended for the purpose authorized by this paragraph. Any ~~charter~~ county that has entered into interlocal agreements for

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T I T L E A M E N D M E N T

Remove line 7 and insert:

Alliance; amending s. 212.055, F.S.; authorizing counties within or under an interlocal agreement with a regional transportation or transit authority to levy a discretionary sales surtax for transportation systems under certain conditions; providing that the

Amendment 2 was temporarily postponed.

Representative Horner offered the following:

(Amendment Bar Code: 406521)

Amendment 3 (with title amendment)—Remove lines 467-765 and insert:

310.011 Board of Pilot Commissioners.—

(1) A board is established within the Division of Professions of the Department of Business and Professional Regulation to be known as the Board of Pilot Commissioners. The board shall be composed of 10 members, to be appointed by the Governor, as follows: five members ~~5 of whom~~ shall be licensed state pilots actively practicing their profession; two members shall be actively involved in a professional or business capacity in the maritime industry, marine shipping industry, or commercial passenger cruise industry; one member shall be a certified public accountant with at least 5 years of experience in financial management; and two members shall be citizens of the state. The latter three board members shall not be involved in, or have any financial interest in, the piloting profession, the maritime industry, the marine shipping industry, or the commercial passenger cruise industry. The board shall perform such duties and possess and exercise such powers relative to the protection of the waters, harbors, and ports of this state as are prescribed and conferred on it in this chapter.

(2) ~~In accordance with the requirements of subsection (1), the Governor shall appoint five licensed state pilots who are actively practicing their profession and five citizens of the state who are not pilots, one of whom shall be actively involved in a professional or business capacity in maritime or marine shipping, one of whom shall be a user of piloting services, and three of whom shall not be involved or monetarily interested in the piloting profession or in the maritime industry or marine shipping, to constitute the members of the board. For purposes of this subsection, a "user of piloting services" may include any person with an ownership interest in a business that regularly employs licensed state pilots or certificated deputy pilots for the purpose of delivering piloting services, or any person who is a direct employee of, and who is employed in a management position for, that business.~~ Each member shall be appointed for a term of 4 years. The Governor shall have power to remove members of the board from office for neglect of duty required by this chapter, for incompetency, or for unprofessional conduct. Any vacancy which may occur in the board in consequence of death, resignation, removal from the state, or other cause shall be filled for the unexpired term by the Governor in the same manner. A majority of those serving on the board shall constitute a quorum.

(3) In appointing members to the board who are pilots, the Governor shall appoint one member from the state at large; one member from any of the following ports: Pensacola, Panama City, or Port St. Joe; one member from any of the following ports: Tampa Bay, Boca Grande, Punta Gorda, Charlotte Harbor, or Key West; one member from any of the following ports: Fernandina, Jacksonville, or Port Canaveral; and one member from any of the following ports: Ft. Pierce, Miami, Port Everglades, or Palm Beach.

Section 6. Section 310.151, Florida Statutes, is amended to read:

310.151 Rates of pilotage; Pilotage Rate Review Committee ~~Board~~.—

(1)(a) As used in ~~For the purposes of~~ this section, the term:

1. "Committee" ~~"board"~~ means the Pilotage Rate Review Committee established under this section as part of the Board of Pilot Commissioners.

2. "Board" means the Board of Pilot Commissioners.

(b)~~1.~~ To carry out the provisions of this section, the Pilotage Rate Review Committee ~~Board~~ is established as part of the Board of Pilot Commissioners ~~created~~ within the Department of Business and Professional Regulation. ~~Members shall be appointed by the Governor, subject to confirmation by the Senate. Members shall be appointed for 4-year terms, except as otherwise specified in this paragraph. No member may serve more than two consecutive 4-year terms or more than 11 years on the board.~~ The committee ~~board~~ shall consist of the following seven members of the board: two board members who are licensed state pilots actively practicing their profession, who shall be appointed by majority vote of the licensed state pilots serving on the board; two board members who are actively involved in a professional or business capacity in the maritime industry, marine shipping industry, or commercial passenger cruise industry; one board member who is a certified public accountant with at least 5 years of experience in financial management; and two board members who are citizens of the state. ~~No member may have ever served as a state pilot or deputy pilot, and no member may currently serve or have served as a direct employee, contract employee, partner, corporate officer, sole proprietor, or representative of any vessel operator, shipping agent, or pilot association or organization, except that one member shall be or have been a person licensed by the United States Coast Guard as an unlimited master, without a first-class pilot's endorsement, initially appointed to a 2-year term. One member shall be a certified public accountant with at least 5 years' experience in financial management, initially appointed to a 3-year term. One member shall be a former hearing officer or administrative law judge of the Division of Administrative Hearings, as defined in s. 120.65, or a former judge who has served on the Supreme Court or any district court of appeal, circuit court, or county court, initially appointed to a 4-year term. Except as otherwise provided in subparagraph 2., the remaining members shall be appointed by the Governor from among persons not prohibited pursuant to this paragraph. Members of the board shall be appointed so as to be geographically distributed, with the southern, central, northeastern, and northwestern regions of the state having at least one member each.~~

~~2. Three members shall be the consumer members of the Board of Pilot Commissioners serving on that board as of January 1, 1994. Of those members, one shall be appointed to a 1-year term, one shall be appointed to a 2-year term, and one shall be appointed to a 3-year term. Each of those members shall be eligible for reappointment in the same fashion as other members of the board, but, thereafter, no member of the board shall be a current or former member of the Board of Pilot Commissioners. The service of the consumer members of the Board of Pilot Commissioners on this board, while they are maintaining concurrent membership with the Board of Pilot Commissioners, shall be considered duties in addition to and related to their duties on the Board of Pilot Commissioners. In the event that any of the three board members stipulated according to this subparagraph are unable to serve, the Governor shall fill the position or positions by appointment from among persons not prohibited pursuant to this paragraph.~~

(c) Committee members shall comply with the disclosure requirements of s. 112.3143(4) if participating in any matter that would result in special private gain or loss as described in that subsection.

(d)~~(c)~~ The committee ~~board~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of this section conferring duties upon it. The department shall provide the staff required by the committee ~~board~~ to carry out its duties under this section.

(e)~~(d)~~ All funds received pursuant to this section shall be placed in the account of the Board of Pilot Commissioners, and the Board of Pilot Commissioners shall pay for all expenses incurred pursuant to this section.

(2) Any pilot, group of pilots, or other person or group of persons whose substantial interests are directly affected by the rates established by the committee ~~board~~ may apply to the committee ~~board~~ for a change in rates. However, an application for a change in rates shall not be considered for any port for which rates have been changed by this committee ~~board~~ in the 18 months preceding the filing of the application. All applications for changes in rates shall be made to the committee ~~board~~, in writing, pursuant to rules prescribed by the committee ~~board~~. In the case of an application for a rate change on behalf of a pilot or group of pilots, the application shall be accompanied by a consolidated financial statement, statement of profit or loss, and balance sheet prepared by a certified public accountant of the pilot or group of pilots and all relevant information, fiscal and otherwise, on the piloting activities within the affected port area, including financial information on all entities owned or partially owned by the pilot or group of pilots which provide pilot-related services in the affected port area. In the case of an application for a rate change filed on behalf of persons other than a pilot or group of pilots, information regarding the financial state of interested parties other than pilots shall be required only to the extent that such financial information is made relevant by the application or subsequent argument before the committee ~~board~~. The committee ~~board~~ shall have the authority to set, by rule, a rate review application fee of up to $1,000, which must be submitted to the committee ~~board~~ upon the filing of the application for a rate change.

(3) The committee ~~board~~ shall investigate and determine whether the requested rate change will result in fair, just, and reasonable rates of pilotage pursuant to rules prescribed by the committee ~~board~~. In addition to publication as required by law, notice of a hearing to determine rates shall be mailed to each person who has formally requested notice of any rate change in the affected port area. The notice shall advise all interested parties that they may file an answer, an additional or alternative petition, or any other applicable pleading or response, within 30 days after the date of publication of the notice, and the notice shall specify the last date by which any such pleading must be filed. The committee ~~board~~ may, for good cause, extend the period for responses to a petition. Multiple petitions filed in this manner do not warrant separate hearings, and these petitions shall be consolidated to the extent that it shall not be necessary to hold a separate hearing on each petition. The committee ~~board~~ shall conclude its investigation, conduct a public hearing, and determine whether to modify the existing rates of pilotage in that port within 60 days after the filing of the completed application, except that the committee ~~board~~ may not be required to complete a hearing for more than one port within any 60-day period. Hearings shall be held in the affected port area, unless a different location is agreed upon by all parties to the proceeding.

(4)(a) The applicant shall be given written notice, either in person or by certified mail, that the committee ~~board~~ intends to modify the pilotage rates in that port and that the applicant may, within 21 days after receipt of the notice, request a hearing pursuant to the Administrative Procedure Act. Notice of the intent to modify the pilotage rates in that port shall also be published in the Florida Administrative Weekly and in a newspaper of general circulation in the affected port area and shall be mailed to any person who has formally requested notice of any rate change in the affected port area. Within 21 days after receipt or publication of notice, any person whose substantial interests will be affected by the intended committee ~~board~~ action may request a hearing pursuant to the Administrative Procedure Act. If the committee ~~board~~ concludes that the petitioner has raised a disputed issue of material fact, the committee ~~board~~ shall designate a hearing, which shall be conducted by formal proceeding before an administrative law judge assigned by the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57(1), unless waived by all parties. If the committee ~~board~~ concludes that the petitioner has not raised a disputed issue of material fact and does not designate the petition for hearing, that decision shall be considered final agency action for purposes of s. 120.68. The failure to request a hearing within 21 days after receipt or publication of notice shall constitute a waiver of any right to an administrative hearing and shall cause the order modifying the pilotage rates in that port to be entered. If an administrative hearing is requested pursuant to this subsection, notice of the time, date, and location of the hearing shall be published in the Florida Administrative Weekly and in a newspaper of general circulation in the affected port area and shall be mailed to the applicant and to any person who has formally requested notice of any rate change for the affected port area.

(b) In any administrative proceeding pursuant to this section, the committee's ~~board's~~ proposed rate determination shall be immediately effective and shall not be stayed during the administrative proceeding, provided that, pending rendition of the committee's ~~board's~~ final order, the pilot or pilots in the subject port deposit in an interest-bearing account all amounts received which represent the difference between the previous rates and the proposed rates. The pilot or pilots in the subject port shall keep an accurate accounting of all amounts deposited, specifying by whom or on whose behalf such amounts were paid, and shall produce such an accounting upon request of the committee ~~board~~. Upon rendition of the committee's ~~board's~~ final order:

1. Any amounts deposited in the interest-bearing account which are sustained by the final order shall be paid over to the pilot or pilots in the subject port, including all interest accrued on such funds; and

2. Any amounts deposited which exceed the rates sustained in the committee's ~~board's~~ final order shall be refunded, with the accrued interest, to those customers from whom the funds were collected. Any funds that are not refunded after diligent effort of the pilot or pilots to do so shall be disbursed by the pilot or pilots as the committee ~~board~~ shall direct.

(5)(a) In determining whether the requested rate change will result in fair, just, and reasonable rates, the committee ~~board~~ shall give primary consideration to the public interest in promoting and maintaining efficient, reliable, and safe piloting services.

(b) The committee ~~board~~ shall also give consideration to the following factors:

1. The public interest in having qualified pilots available to respond promptly to vessels needing their service.

2. A determination of the average net income of pilots in the port, including the value of all benefits derived from service as a pilot. For the purposes of this subparagraph, "net income of pilots" refers to total pilotage fees collected in the port, minus reasonable operating expenses, divided by the number of licensed and active state pilots within the ports.

3. Reasonable operating expenses of pilots.

4. Pilotage rates in other ports.

5. The amount of time each pilot spends on actual piloting duty and the amount of time spent on other essential support services.

6. The prevailing compensation available to individuals in other maritime services of comparable professional skill and standing as that sought in pilots, it being recognized that in order to attract to the profession of piloting, and to hold the best and most qualified individuals as pilots, the overall compensation accorded pilots should be equal to or greater than that available to such individuals in comparable maritime employment.

7. The impact rate change may have in individual pilot compensation and whether such change will lead to a shortage of licensed state pilots, certificated deputy pilots, or qualified pilot applicants.

8. Projected changes in vessel traffic.

9. Cost of retirement and medical plans.

10. Physical risks inherent in piloting.

11. Special characteristics, dangers, and risks of the particular port.

12. Any other factors the committee ~~board~~ deems relevant in determining a just and reasonable rate.

(c) The committee ~~board~~ may take into consideration the consumer price index or any other comparable economic indicator when fixing rates of pilotage; however, because the consumer price index or such other comparable economic indicator is primarily related to net income rather than rates, the committee ~~board~~ shall not use it as the sole factor in fixing rates of pilotage.

(6) The committee ~~board~~ shall fix rates of pilotage pursuant to this section based upon the following vessel characteristics:

(a) Length.

(b) Beam.

(c) Net tonnage, gross tonnage, or dead weight tonnage.

(d) Freeboard or height above the waterline.

(e) Draft or molded depth.

(f) Any combination of the vessel characteristics listed in this subsection or any other relevant vessel characteristic or characteristics.

(7) The decisions of the committee regarding rates are not appealable to the board.

Section 7. By October 31, 2010, the Governor shall appoint to the Board of Pilot Commissioners: two members actively involved in a professional or business capacity in the maritime industry, marine shipping industry, or commercial passenger cruise industry; one member who is a certified public accountant with at least 5 years of experience in financial management; and two members who are citizens of the state. Notwithstanding any other provision of this act, the nonpilot members of the board as of the effective date of this act shall continue to serve until the Governor makes the appointments required in this section. The terms of the pilot members of the board shall not be affected by this section. Any pending matters before the Pilotage Rate Review Board as of the effective date of this act shall be transferred for further action to the Pilotage Rate Review Committee.

T I T L E A M E N D M E N T

Remove line 29 and insert:
before a certain date; providing requirements for the transfer of pending matters; repealing s. 315.03(12)(c), F.S.,

Rep. Horner moved the adoption of the amendment, which was adopted.

Representative Horner offered the following:

(Amendment Bar Code: 084445)

Amendment 4 (with title amendment)—Remove lines 896-901 and insert:

(4)(a) The Department of Transportation or local authority may issue permits that authorize commercial vehicles having weights not exceeding the limits of s. 316.535(5), plus the scale tolerance provided in s. 316.545(2), to operate off the interstate highway system on a designated route specified in the permit. Such permits shall be issued within 14 days after receipt of the request.

T I T L E A M E N D M E N T

Between lines 61 and 62, insert:
requiring issuance of permits within a specified period after a request;

Rep. Horner moved the adoption of the amendment, which was adopted.

Representative Zapata offered the following:

(Amendment Bar Code: 385569)

Amendment 5 (with title amendment)—Between lines 1149 and 1150, insert:

Section 23. Section 337.1401, Florida Statutes, is created to read:

337.1401 Small Business Participation Policy.—It is the intent of the Legislature that the Department of Transportation promote the utilization of small businesses by prime consultants and contractors in the fulfillment of their contractual obligations with the department. Notwithstanding any provision to the contrary, in any county, as defined in s. 125.011(1), the department shall follow the Small Business Participation Policy of the Miami-Dade Expressway Authority as approved on June 23, 2009, for all projects that are funded entirely by nonfederal funding sources.

T I T L E A M E N D M E N T

Remove line 90 and insert:
by an updated application; creating s. 337.1401, F.S.; providing legislative intent; requiring the Department of Transportation to follow a specified policy for certain projects; amending s. 337.401, F.S.;

Amendment 5 was temporarily postponed.

Representative Horner offered the following:

(Amendment Bar Code: 558279)

Amendment 6 (with title amendment)—Remove lines 1312-1351 and insert:
shall use a universally accepted contactless fare media that is compatible with the American Public Transportation Association's Contactless Fare Media System Standard or the applicable bankcard contactless media standards and allows users to purchase fares at a single point of sale with coin, cash, or credit card. This paragraph does not require the use of a universally accepted contactless fare media for the paratransit element of any transit system or by any public transit system that does not share one or more points of origin or destination with a public rail system.

For purposes of this section, the term "net operating costs" means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

Section 27. Subsection (7) of section 341.3025, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section to read:

341.3025 Multicounty public rail system fares and enforcement.—

(7)(a) The Legislature recognizes the importance of encouraging the seamless use of local and regional public transportation systems by residents of and visitors to the state wherever possible. The paramount concern is to encourage the implementation of fare collection systems that are interoperable and compatible with multiple public transportation systems throughout the state.

(b) Notwithstanding any other provision of law to the contrary, in order to facilitate the ease of transfer from one public transportation system to another, any new public rail system that is constructed after December 1, 2010, by the state, an agency of the state, a regional transportation authority, or one or more counties or municipalities shall use a universally accepted contactless fare media that is compatible with the American Public Transportation Association's Contactless Fare Media System Standard or the applicable bankcard contactless media standards and allows users to purchase fares at a single point of sale with coin, cash, or credit card. Additionally, any existing public rail system that is adding a new fare media system or is upgrading its existing fare media system shall use a universally accepted contactless fare media that is compatible with the American Public Transportation Association's Contactless Fare Media System Standard or the applicable bankcard contactless media standards and allows

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T I T L E A M E N D M E N T

Remove lines 105-106 and insert:
and 341.3025, F.S.; requiring the use of universally accepted contactless fare media on new or upgraded public rail

Rep. Horner moved the adoption of the amendment, which was adopted.

Representative Horner offered the following:

(Amendment Bar Code: 919687)

Amendment 7 (with title amendment)—Remove lines 1527-2276 and insert:

Section 35. Part XI of chapter 348, Florida Statutes, consisting of sections 348.9950, 348.9951, 348.9952, 348.9953, 348.9954, 348.9955, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and 348.9961, is created to read:

348.9950 Short title.—This part may be cited as the "Osceola County Expressway Authority Law."

348.9951 Definitions.—Terms used in this part, except where the context clearly indicates otherwise, shall have the same meanings as those defined in the Florida Expressway Authority Act.

348.9952 Osceola County Expressway Authority.—

(1) There is created a body politic and corporate, an agency of the state, to be known as the Osceola County Expressway Authority.

(2)(a) The governing body of the authority shall consist of six members. Five members, at least one of whom must be a member of a racial or ethnic minority group, must be residents of Osceola County, three of whom shall be appointed by the governing body of the county and two of whom shall be appointed by the Governor. The sixth member shall be the district secretary of the department serving in the district that includes Osceola County, who shall serve as an ex officio, nonvoting member. The term of each appointed member shall be for 4 years, except that the first term of the initial members appointed by the Governor shall be 2 years each. Each appointed member shall hold office until his or her successor has been appointed and has qualified. A vacancy occurring during a term shall be filled only for the balance of the unexpired term. Each appointed member of the authority shall be a person of outstanding reputation for integrity, responsibility, and business ability, but a person who is an officer or employee of any municipality or of Osceola County in any other capacity may not be an appointed member of the authority. A member of the authority is eligible for reappointment.

(b) Members of the authority may be removed from office by the Governor for misconduct, malfeasance, or nonfeasance in office.

(3)(a) The authority shall elect one of its members as chair. The authority shall also elect a secretary and a treasurer, who may be members of the authority. The chair, secretary, and treasurer shall hold such offices at the will of the authority.

(b) Three members of the authority constitute a quorum, and the vote of three members is necessary for any action taken by the authority. A vacancy in the authority does not impair the right of a quorum of the authority to exercise all of the rights and perform all of the duties of the authority.

(4)(a) The authority may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, engineers, and other employees, permanent or temporary, as it may require, and may determine the qualifications and fix the compensation of such persons, firms, or corporations. Additionally, the authority may employ a fiscal agent or agents. However, the authority shall solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this part, subject always to the supervision and control of the authority.

(b) Members of the authority are entitled to receive from the authority their travel and other necessary expenses incurred in connection with the business of the authority as provided in s. 112.061, but members shall not draw salaries or other compensation.

(c) The department is not required to grant funds for startup costs to the authority. However, the governing body of the county may provide funds for such startup costs.

(d) The authority shall cooperate with and participate in any efforts to establish a regional expressway authority.

(e) Notwithstanding any other provision of law, including s. 339.175(3), the authority is not entitled to voting membership in a metropolitan planning organization in which Osceola County, or any of the municipalities therein, are also voting members.

348.9953 Purposes and powers.—The purposes and powers of the authority shall be the same as those identified in the Florida Expressway Authority Act. In implementing this act, the authority shall institute procedures to encourage the awarding of contracts for professional services and construction to certified minority business enterprises as defined in s. 288.703. The authority shall develop and implement activities to encourage the participation of certified minority business enterprises in the contracting process.

348.9954 Bonds.—Bonds may be issued on behalf of the authority as provided by the State Bond Act and subject to the provisions of the Florida Expressway Authority Act.

348.9955 Lease-purchase agreement.—The authority may enter into lease-purchase agreements with the department as provided in the Florida Expressway Authority Act.

348.9956 Department may be appointed agent of authority for construction.—The authority may appoint the department as its agent as provided in the Florida Expressway Authority Act.

348.9957 Acquisition of lands and property.—The authority may acquire such rights, title, or interest in private or public property and such property rights, including easements, rights of access, air, view, and light by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for the purposes of this part and subject to the provisions of the Florida Expressway Authority Act.

348.9958 Cooperation with other units, boards, agencies, and individuals.—Any county, municipality, drainage district, road and bridge district, school district, or other political subdivision, board, commission, or individual in or of the state may make and enter into any contract, lease, conveyance, partnership, or other agreement with the authority within the provisions and for purposes of this part. The authority may make and enter into any contract, lease, conveyance, partnership, or other agreement with any political subdivision, agency, or instrumentality of the state or any federal agency, corporation, or individual for the purpose of carrying out the provisions of this part.

348.9959 Legislative intent; covenant of the state.—It is the intent of the Legislature that the state pledge to and agree with any person, firm, corporation, or federal or state agency subscribing to or acquiring the bonds to be issued by the authority for the purposes of this part that the state will not limit or alter the rights hereby vested in the authority and the department until all bonds at any time issued together with the interest thereon are fully paid and discharged insofar as the same affects the rights of the holders of bonds issued hereunder. It is also the intent of the Legislature that the state further pledge to and agree with the United States that in the event any federal agency shall construct or contribute any funds for the completion, extension, or improvement of the Osceola County Expressway System, or any part or portion thereof, the state will not alter or limit the rights and powers of the authority and the department in any manner that would be inconsistent with the continued maintenance and operation of the Osceola County Expressway System, or the completion, extension, or improvement thereof, or that would be inconsistent with the due performance of any agreements between the authority and any such federal agency. The authority and the department shall continue to have and may exercise all powers herein granted so long as the same shall be necessary or desirable for the carrying out of the purposes of this part and the purposes of the United States in the completion, extension, or improvement of the Osceola County Expressway System or any part or portion thereof.

348.9960 Exemption from taxation.—As provided under and limited by the Florida Expressway Authority Act, the Osceola County Expressway authority is not required to pay taxes or assessments of any kind or nature whatsoever upon any property acquired by it or used by it for such purpose or upon revenues at any time received by it.

348.9961 Automatic dissolution.—If, before January 1, 2020, the authority has not encumbered any funds to further its purposes and powers as authorized in s. 348.9953 to establish the system, the Osceola County Expressway Authority is dissolved.

T I T L E A M E N D M E N T

Remove lines 140-212 and insert:

law; creating part XI of ch. 348, F.S.; creating s. 348.9950, F.S.; providing a short title; creating s. 348.9951, F.S.; providing that certain terms have the same meaning as in the Florida Expressway Authority Act for certain purposes; creating s. 348.9952, F.S.; creating the Osceola County Expressway Authority as an agency of the state; providing for a governing body of the authority; providing for membership, terms, organization, personnel, and administration; authorizing payment of travel and other expenses; directing the authority to cooperate with and participate in any efforts to establish a regional expressway authority; declaring that the authority is not eligible for voting membership in

certain metropolitan planning organizations; creating s. 348.9953, F.S.; providing purposes and powers of the authority; creating s. 348.9954, F.S.; authorizing the issuance of bonds to pay or secure certain obligations; creating s. 348.9955, F.S.; authorizing the authority to enter into certain agreements; creating s. 348.9956, F.S.; authorizing the department to act as the authority's appointed agent under certain circumstances; creating s. 348.9957, F.S.; authorizing the authority to acquire certain lands and property; authorizing the authority to exercise eminent domain; creating s. 348.9958, F.S.; authorizing certain entities to enter into agreements with the authority; creating s. 348.9959, F.S.; providing legislative intent and a pledge of the state to bondholders; creating s. 348.9960, F.S.; exempting the authority from taxation; creating s. 348.9961, F.S.; providing for dissolution of the authority under certain circumstances; amending s.

Rep. Horner moved the adoption of the amendment.

Rep. Horner moved that a late-filed amendment to the amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

The question recurred on the adoption of **Amendment 7**, which was adopted.

Amendment 2 (Amendment Bar Code: 696797) was taken up, having been temporarily postponed earlier today.

The question recurred on the adoption of **Amendment 2**, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 971—A bill to be entitled An act relating to highway safety and motor vehicles; amending s. 316.003, F.S.; defining the term "tri-vehicle" for purposes of the Florida Uniform Traffic Control Law; amending s. 316.066, F.S.; authorizing law enforcement agencies and county traffic operations to access certain crash reports held by an agency; amending s. 316.0741, F.S.; providing that certain tri-vehicles are hybrid vehicles; amending s. 316.159, F.S.; requiring that drivers of certain commercial motor vehicles slow before crossing a railroad grade crossing; providing penalties; amending s. 316.193, F.S.; revising qualifications for an immobilization agency and certain employees of the agency to immobilize vehicles in a judicial circuit; requiring the immobilization agency to verify through a Florida Department of Law Enforcement background check the qualifications of a person hired to immobilize a vehicle; redefining the terms "immobilization agency" and "immobilization agencies"; amending 316.2065, F.S.; requiring bicycles to be ridden in the lane marked for bicycle use except under specified circumstances; providing penalties; amending s. 316.2085, F.S.; permitting certain license tags for motorcycles or mopeds to be affixed perpendicularly to the ground under certain circumstances; amending s. 316.2952, F.S.; authorizing certain satellite reception devices to be attached to the windshield of a motor vehicle; amending s. 316.29545, F.S., relating to window sunscreening exclusions; excluding vehicles operated by persons with certain medical conditions from certain window sunscreening restrictions; excluding vehicles owned or leased by private investigators or private investigative services from specified window sunscreening restrictions; providing rulemaking authority to the Department of Highway Safety and Motor Vehicles regarding sunscreening restrictions; amending s. 316.605, F.S.; providing an exception for certain motorcycles or mopeds to a requirement that license plates be affixed and displayed in such a manner that the letters and numerals shall be read from left to right parallel to the ground; amending s. 316.646, F.S.; directing the department to suspend the registration and driver's license of a person convicted of failure to maintain required security on a motor vehicle; amending s. 318.14, F.S.; providing procedures for disposition of a citation for violating specified learner's driver's license restrictions; correcting an erroneous reference; requiring a person who commits a traffic violation requiring a hearing or commits a criminal traffic violation to sign and accept a citation indicating a promise to appear for a hearing; removing a requirement that a person cited for a noncriminal traffic infraction not requiring a hearing must sign and accept the citation indicating a promise to appear; requiring an officer to certify the delivery of a citation to the person cited; providing penalties; providing for certain persons cited for specified offenses to provide proof of compliance to a designated official; providing alternative citation disposition procedures for the offense of operating a motor vehicle with a license that has been suspended for failure to pay certain financial obligations or to comply with specified education requirements; amending s. 318.18, F.S.; providing that the penalty for speeding in designated school crossing is twice the otherwise applicable amount; amending s. 319.28, F.S.; requiring lienholders repossessing vehicles in this state to apply to a tax collector's office in this state or to the department for a certificate of repossession or to the department for a certificate of title; amending s. 319.30, F.S.; defining the term "independent entity" for purposes of provisions for salvage and dismantling, destruction, and change of identity of motor vehicle or mobile home; providing for a notice and release statement prescribed by the department from an insurance company to an independent entity that stores a damaged or dismantled motor vehicle for the insurance company; providing procedures for disposition of the vehicle by the independent entity; requiring the independent entity to notify the owner when the vehicle is available for pick up; authorizing the independent entity to apply for a certificate of destruction or a certificate of title if the vehicle is not claimed within a certain period; providing requirements for submission of the application; prohibiting the independent entity from charging an owner of the vehicle storage fees or applying for a certificate of title under specified provisions; amending s. 320.02, F.S.; requiring the application forms for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to the League Against Cancer/La Liga Contra el Cancer; amending s. 320.03, F.S., relating to an electronic filing system used to provide titling and registration functions for motor vehicles, vessels, mobile homes, and off-highway vehicles; providing regulatory authority over the electronic filing system to the department; providing for statewide uniform application of the system; providing that entities that sell products that require titling or registration and that meet certain requirements may be agents for the system and may not be precluded from using the system; requiring tax collectors to appoint such entities as electronic filing system agents; providing rulemaking authority; providing that such rules shall replace existing program standards; providing that existing standards remain in place until such rulemaking is complete, except for existing standards conflicting with this section; providing that an authorized electronic filing agent may charge fees to customers; providing that certain providers of the electronic filing system shall continue to comply with certain financial arrangements with the Tax Collector Service Corporation; providing for expiration of the provisions requiring the providers to comply with the financial arrangements; amending s. 320.05, F.S.; requiring specified fees be collected for providing registration data by electronic access through a tax collector's office; providing for distribution of the fees collected; providing an exception; amending s. 320.071, F.S.; revising the time period during which the owner of an apportioned motor vehicle may file an application for renewal of registration; amending s. 320.08, F.S.; establishing license taxes for tri-vehicles and antique motorcycles; amending s. 45 of chapter 2008-176, Laws of Florida; delaying the expiration of the moratorium on the issuance of new specialty license plates by the department; amending s. 320.08053, F.S.; removing provisions requiring an organization seeking authorization to establish a new specialty license plate to submit a sample survey of motor vehicle owners to the department; requiring the department to establish a method to issue vouchers allowing the presale of a specialty license plate; requiring that an organization that is approved to issue a specialty license plate record with the department a minimum number of voucher sales in order to proceed with the development of the plate; providing for the purchaser of a voucher to receive a refund or use the voucher to purchase of another license plate if the specialty plate is deauthorized; providing that changes to specified provisions relating to establishing a new specialty license plate do not apply to certain organizations; amending ss. 320.08056 and 320.08058, F.S.; conforming provisions to changes made by the act; creating the Hispanics Achievers license plate; establishing an annual use fee

for the plate; providing for the distribution of use fees received from the sale of such plate; amending s. 320.0807, F.S.; revising provisions governing the special license plates issued to federal and state legislators; amending s. 320.084, F.S.; providing for a biennial registration renewal period for disabled veteran license plates; amending s. 321.03, F.S.; providing that it is unlawful to possess or color or cause to be colored a motor vehicle or motorcycle of the same or similar color as those prescribed for the Florida Highway Patrol unless specifically authorized by the Florida Highway Patrol; amending s. 321.05, F.S.; providing that officers of the Florida Highway Patrol have the same arrest and other authority as that provided for certain other state law enforcement officers; amending s. 322.01, F.S.; defining the term "tri-vehicle" and excluding such vehicles from the definition of "motorcycle" as those terms are used in provisions for drivers' licenses; amending s. 322.08, F.S.; requiring the application form for an original, renewal, or replacement driver's license or identification card to include language permitting the applicant to make voluntary contributions for certain purposes; requiring such forms to include language permitting the applicant to make a voluntary contribution to the League Against Cancer/La Liga Contra el Cancer and to state homes for veterans; providing for distribution of funds collected from such contributions; providing that such contributions are not considered income of a revenue nature; amending s. 322.121, F.S.; revising legislative intent for reexamination of licensed drivers upon the renewal of the driver's license; removing a requirement that each licensee must pass a reexamination at the time of license renewal; amending s. 322.18, F.S.; authorizing a licensed physician at a federally established veterans' hospital to administer a vision test for purposes of renewing a driver's license; conforming a cross-reference; amending s. 322.2615, F.S.; revising requirements for information an officer must submit to the department after suspending a driver's license for certain DUI offenses; removing a requirement that the officer submit a copy of a crash report; authorizing the officer to submit such report; amending s. 322.34, F.S.; providing that if a person does not hold a commercial driver's license and is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled for specified offenses, he or she may, in lieu of payment of a fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau; limiting a driver's option to elect such a remedy; amending s. 322.61, F.S.; revising the period of disqualification from operating a commercial motor vehicle for a violation of an out-of-service order; amending s. 488.06, F.S.; specifying additional circumstances under which the department may suspend or revoke a license or certificate of a driving school; providing effective dates.

—was read the second time by title.

Rep. Aubuchon moved that a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Representative Aubuchon offered the following:

(Amendment Bar Code: 881133)

Amendment 1 (with title amendment)—Remove lines 1332-1403 and insert:

Section 24. Subsection (1) and paragraph (b) of subsection (8) of section 320.08056, Florida Statutes, are amended, and paragraphs (rrr), (sss), and (ttt) are added to subsection (4) of that section, to read:

320.08056 Specialty license plates.—

(1) The department is responsible for developing the specialty license plates authorized in s. 320.08053. ~~The department shall begin production and distribution of each new specialty license plate within 1 year after approval of the specialty license plate by the Legislature.~~

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(rrr) Hispanic Achievers license plate, $25.

(sss) Children First license plate, $25.

(ttt) Veterans of Foreign Wars license plate, $25.

(8)

(b) The department is authorized to discontinue the issuance of a specialty license plate and distribution of associated annual use fee proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the annual use fee proceeds, if the organization does not meet the presale requirements as prescribed in s. 320.08053(3), or pursuant to an organizational recipient's request. Organizations shall ~~are required to~~ notify the department immediately to stop all warrants for plate sales if any of the conditions in this section exist~~,~~ and must meet the requirements of s. 320.08062 for any period of operation during a fiscal year.

Section 25. Subsections (70), (71), and (72) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(70) HISPANIC ACHIEVERS LICENSE PLATES.—

(a) Notwithstanding the requirements of s. 320.08053, the department shall develop a Hispanic Achievers license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Hispanic Achievers" must appear at the bottom of the plate.

(b) The proceeds from the license plate annual use fee shall be distributed to National Hispanic Corporate Achievers, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund grants to nonprofit organizations to operate programs and provide scholarships and for marketing the Hispanic Achievers license plate. National Hispanic Corporate Achievers, Inc., shall establish a Hispanic Achievers Grant Council that shall provide recommendations for statewide grants from available Hispanic Achievers license plate proceeds to nonprofit organizations for programs and scholarships for Hispanic and minority Floridians. National Hispanic Corporate Achievers, Inc., shall also establish a Hispanic Achievers License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.

(c) National Hispanic Corporate Achievers, Inc., may retain all proceeds from the annual use fee until documented startup costs for developing and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:

1. Up to 10 percent of the proceeds may be used for the cost of administration of the Hispanic Achievers License Plate Fund, the Hispanic Achievers Grant Council, and related matters.

2. Funds may be used as necessary for annual audit or compliance affidavit costs.

3. Twenty-five percent of the proceeds shall be used by the Hispanic Corporate Achievers, Inc., located in Seminole County, for grants.

4. The remaining proceeds shall be available to the Hispanic Achievers Grant Council to award grants for services, programs, or scholarships for Hispanic and minority individuals and organizations throughout Florida. All grant recipients must provide to the Hispanic Achievers Grant Council an annual program and financial report regarding the use of grant funds. Such reports must be available to the public.

(71) CHILDREN FIRST LICENSE PLATES.—

(a) Upon Children First Florida, Inc., meeting the requirements of s. 320.08053, the department shall develop a Children First license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Children First" must appear at the bottom of the plate.

(b) The proceeds from the license plate annual use fee shall be distributed to Children First Florida, Inc., which shall retain all proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 10 percent of the proceeds may be used to administer the license plate program, for direct administrative costs associated with the operations of Children First Florida, Inc., and to promote and market the license plates.

2. The remaining fees shall be used by Children First Florida, Inc., to fund public schools in this state, including teacher salaries.

(72) VETERANS OF FOREIGN WARS LICENSE PLATES.—

(a) Upon Veterans of Foreign Wars, Department of Florida, meeting the requirements of s. 320.08053, the department shall develop a Veterans of Foreign Wars license plate as provided in this section. The plates must bear the colors and design approved by the department and must incorporate the Great Seal of the Veterans of Foreign Wars of the United States as described in Art. VIII, s. 801 of the Congressional Charter and By-Laws of the Veterans of Foreign Wars of the United States. The word "Florida" must appear at the top of the plate, and the words "Veterans of Foreign Wars" must appear at the bottom of the plate.

(b) The proceeds from the license plate annual use fee shall be distributed to Veterans of Foreign Wars, Department of Florida, which may retain all of such revenue until the startup costs to develop and establish the license plate program have been recovered. Thereafter, a maximum of 10 percent of the proceeds may be used to administer the license plate program, for direct administrative costs associated with the operations of Veterans of Foreign Wars, Department of Florida, and to promote and market the license plates. All remaining funds shall be used to support the Voice of Democracy and Patriots' Pen Scholarship programs and to support high school and college ROTC programs.

Section 26. The Department of Highway Safety and Motor Vehicles may not establish any new voluntary contributions on the motor vehicle registration application form under s. 320.023, Florida Statutes, or the driver's license application form under s. 322.081, Florida Statutes, between July 1, 2010, and July 1, 2013. However, the department may establish a voluntary contribution for an organization that has:

(1)(a) Submitted a request to establish a voluntary contribution on a motor vehicle registration application under s. 320.023, Florida Statutes, or a driver's license application under s. 322.081, Florida Statutes, to the department before May 1, 2010; and

(b) Submitted a valid financial analysis, marketing strategy, and application fee before September 1, 2010; or

(2) Filed a bill during the 2010 Legislative Session to establish a voluntary contribution and have met the requirements of s. 320.023 or s. 322.081, Florida Statutes.

T I T L E A M E N D M E N T

Remove lines 141-143 and insert:

Hispanic Achievers license plate, the Children First license plate, and the Veterans of Foreign Wars license plate; establishing an annual use fee for the plates; providing for distribution of use fees received from the sale of such plates; prohibiting the department from establishing new voluntary contributions on the motor vehicle registration application form or the driver's license application form during a certain time period; providing exceptions; amending s.

Rep. Aubuchon moved the adoption of the amendment.

Rep. Aubuchon moved that a late-filed amendment to the amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

The question recurred on the adoption of **Amendment 1**, which was adopted.

Representative Glorioso offered the following:

(Amendment Bar Code: 169265)

Amendment 2 (with title amendment)—Between lines 1811 and 1812, insert:

Section 35. Effective October 1, 2010, subsection (5) of section 322.271, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to that section, to read:

322.271 Authority to modify revocation, cancellation, or suspension order.—

(5) Notwithstanding the provisions of s. 322.28(2)(e), a person whose driving privilege has been permanently revoked because he or she has been convicted four or more times of violating s. 316.193 or former s. 316.1931 may, upon the expiration of 10 years after the date of the last conviction or the expiration of 10 years after the termination of any incarceration under s. 316.193 or former s. 316.1931, whichever is later, petition the department for reinstatement of his or her driving privilege.

(a) Within 30 days after receipt of a petition, the department shall provide for a hearing, at which the petitioner must demonstrate that he or she:

1. Has not been arrested for a drug-related offense for at least 5 years prior to filing the petition;

2. Has not driven a motor vehicle without a license for at least 5 years prior to the hearing;

3. Has been drug-free for at least 5 years prior to the hearing; and

4. Has completed a DUI program licensed by the department.

(b) At the hearing, the department shall determine the petitioner's qualification, fitness, and need to drive, and may, after such determination, reinstate the petitioner's driver's license. The reinstatement shall be subject to the following qualifications:

1. The petitioner's license must be restricted for employment purposes for not less than 1 year; and

2. The petitioner must be supervised by a DUI program licensed by the department and must report to the program for supervision and education at least four times a year or more, as required by the program, for the remainder of the revocation period. The supervision shall include evaluation, education, referral into treatment, and other activities required by the department.

(c) The petitioner must assume the reasonable costs of supervision. If the petitioner does not comply with the required supervision, the program shall report the failure to the department, and the department shall cancel such person's driving privilege.

(d) If, after reinstatement, the petitioner is convicted of an offense for which mandatory license revocation is required, the department shall revoke his or her driving privilege.

(e) The department shall adopt rules regulating the services provided by DUI programs pursuant to this section.

Section 36. Effective October 1, 2011, subsection (5) of section 322.271, Florida Statutes, as created by this act, is amended to read:

322.271 Authority to modify revocation, cancellation, or suspension order.—

(5) Notwithstanding the provisions of s. 322.28(2)(e), a person whose driving privilege has been permanently revoked because he or she has been convicted four or more times of violating s. 316.193 or former s. 316.1931 may, upon the expiration of 5 ~~10~~ years after the date of the last conviction or the expiration of 5 ~~10~~ years after the termination of any incarceration under s. 316.193 or former s. 316.1931, whichever is later, petition the department for reinstatement of his or her driving privilege.

(a) Within 30 days after receipt of a petition, the department shall provide for a hearing, at which the petitioner must demonstrate that he or she:

1. Has not been arrested for a drug-related offense for at least 5 years prior to filing the petition;

2. Has not driven a motor vehicle without a license for at least 5 years prior to the hearing;

3. Has been drug-free for at least 5 years prior to the hearing; and

4. Has completed a DUI program licensed by the department.

(b) At the hearing, the department shall determine the petitioner's qualification, fitness, and need to drive, and may, after such determination, reinstate the petitioner's driver's license. The reinstatement shall be subject to the following qualifications:

1. The petitioner's license must be restricted for employment purposes for not less than 1 year; and

2. The petitioner must be supervised by a DUI program licensed by the department and must report to the program for supervision and education at least four times a year or more, as required by the program, for the remainder of the revocation period. The supervision shall include evaluation, education, referral into treatment, and other activities required by the department.

(c) The petitioner must assume the reasonable costs of supervision. If the petitioner does not comply with the required supervision, the program shall

report the failure to the department, and the department shall cancel such person's driving privilege.

(d) If, after reinstatement, the petitioner is convicted of an offense for which mandatory license revocation is required, the department shall revoke his or her driving privilege.

(e) The department shall adopt rules regulating the services provided by DUI programs pursuant to this section.

Section 37. Paragraph (e) is added to subsection (3) of section 322.2715, Florida Statutes, to read:

322.2715 Ignition interlock device.—

(3) If the person is convicted of:

(e) A fourth or subsequent offense of driving under the influence, the ignition interlock device shall be installed for a period of not less than 5 years.

T I T L E A M E N D M E N T

Between lines 182 and 183, insert:

amending s. 322.271, F.S.; providing procedures for the restoration of the driving privileges of certain persons whose driving privileges have been revoked; providing for a hearing; providing for the adoption of rules; providing a phase-in period; amending s. 322.2715, F.S.; requiring the installation of an ignition interlock device under certain circumstances;

Rep. Glorioso moved the adoption of the amendment, which was adopted.

Representative Aubuchon offered the following:

(Amendment Bar Code: 714371)

Amendment 3 (with title amendment)—Remove lines 1915-1918 and insert:

by the Department of Highway Safety and Motor Vehicles to the Florida Department of Law Enforcement for state processing, and the Florida Department of Law Enforcement shall forward them to the Federal Bureau of Investigation for national processing. The Department of Highway Safety and Motor Vehicles shall screen the background check results to determine if an applicant, instructor, agency or employee meets licensure or certification requirements.

Section 38. Subsection (9) of section 261.03, Florida Statutes, is amended to read:

261.03 Definitions.—As used in this chapter, the term:

(9) "ROV" means any motorized recreational off-highway vehicle 64 ~~60~~ inches or less in width, having a dry weight of 2,000 ~~1,500~~ pounds or less, designed to travel on four or more nonhighway tires, having nonstraddle seating and a steering wheel, and manufactured for recreational use by one or more persons. The term "ROV" does not include a golf cart as defined in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as defined in s. 320.01(42).

Section 39. Subsection (9) of section 317.0003, Florida Statutes, is amended to read:

317.0003 Definitions.—As used in this chapter, the term:

(9) "ROV" means any motorized recreational off-highway vehicle 64 ~~60~~ inches or less in width, having a dry weight of 2,000 ~~1,500~~ pounds or less, designed to travel on four or more nonhighway tires, having nonstraddle seating and a steering wheel, and manufactured for recreational use by one or more persons. The term "ROV" does not include a golf cart as defined in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as defined in s. 320.01(42).

Section 40. Subsection (7) is added to section 316.008, Florida Statutes, to read:

316.008 Powers of local authorities.—

(7) A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.

Section 41. Section 316.1995, Florida Statutes, is amended to read:

316.1995 Driving upon sidewalk or bicycle path.—

(1) Except as provided in s. 316.008 or s. 316.212(8), a ~~No~~ person may not ~~shall~~ drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(2) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

(3) This section does not apply to motorized wheelchairs.

Section 42. Subsection (8) of section 316.212, Florida Statutes, is amended to read:

316.212 Operation of golf carts on certain roadways.—The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

(8) A local governmental entity may enact an ordinance relating to:

(a) ~~Regarding~~ Golf cart operation and equipment which is more restrictive than those enumerated in this section. Upon enactment of such ordinance, the local governmental entity shall post appropriate signs or otherwise inform the residents that such an ordinance exists and that it will be enforced within the local government's jurisdictional territory. An ordinance referred to in this section must apply only to an unlicensed driver.

(b) Golf cart operation on sidewalks adjacent to specific segments of municipal streets, county roads, or state highways within the jurisdictional territory of the local governmental entity if:

1. The local governmental entity determines, after considering the condition and current use of the sidewalks, the character of the surrounding community, and the locations of authorized golf cart crossings, that golf carts, bicycles, and pedestrians may safely share the sidewalk;

2. The local governmental entity consults with the Department of Transportation before adopting the ordinance;

3. The ordinance restricts golf carts to a maximum speed of 15 miles per hour and permits such use on sidewalks adjacent to state highways only if the sidewalks are at least 8 feet wide;

4. The ordinance requires the golf carts to meet the equipment requirements in subsection (6). However, the ordinance may require additional equipment, including horns or other warning devices required by s. 316.271; and

5. The local governmental entity posts appropriate signs or otherwise informs residents that the ordinance exists and applies to such sidewalks.

Section 43. Section 316.2128, Florida Statutes, is amended to read:

316.2128 Operation of motorized scooters and miniature motorcycles; requirements for sales.—

(1) A person who engages in the business of, serves in the capacity of, or acts as a commercial seller of motorized scooters or miniature motorcycles in this state must prominently display at his or her place of business a notice that such vehicles are not legal to operate on public roads, ~~or sidewalks and~~ may not be registered as motor vehicles, and may not be operated on sidewalks unless authorized by an ordinance enacted pursuant to s. 316.008(7) or s. 316.212(8). The required notice must also appear in all forms of advertising offering motorized scooters or miniature motorcycles for sale. The notice and a copy of this section must also be provided to a consumer prior to the consumer's purchasing or becoming obligated to purchase a motorized scooter or a miniature motorcycle.

(2) Any person selling or offering a motorized scooter or a miniature motorcycle for sale in violation of this section commits an unfair and deceptive trade practice as defined in part II of chapter 501.

Section 44. Ronshay Dugans Act.—

(1) This section may be cited as the "Ronshay Dugans Act."

(2) The first week of September is designated as "Drowsy Driving Prevention Week" in this state. During Drowsy Driving Prevention Week, the Department of Highway Safety and Motor Vehicles and the Department of Transportation are encouraged to educate the law enforcement community and the public about the relationship between fatigue and performance and the research showing fatigue to be as much of an impairment as alcohol and as dangerous while operating a motor vehicle.

T I T L E A M E N D M E N T

Between lines 197 and 198, insert:

providing procedures for background screening; amending ss. 261.03 and 317.0003, F.S.; revising the definition of the term "ROV" to include vehicles of an increased width and weight for purposes of provisions relating to off-highway vehicles; amending s. 316.008, F.S.; authorizing a county or municipality to enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas under certain conditions; requiring the ordinance to restrict such vehicles or devices to a certain maximum speed; amending s. 316.1995, F.S.; specifying exceptions to restrictions on operating vehicles upon a bicycle path, sidewalk, or sidewalk area; amending s. 316.212, F.S.; providing for a local governmental entity to enact an ordinance relating to golf cart operation on sidewalks in certain areas if certain conditions are met; amending s. 316.2128, F.S.; revising requirements for signage which must be displayed by certain sellers of motorized scooters or miniature motorcycles; creating the "Ronshay Dugans Act"; designating Drowsy Driving Prevention Week; encouraging the Department of Highway Safety and Motor Vehicles and the Department of Transportation to educate the law enforcement community and the public about the relationship between fatigue and driving performance;

Rep. Aubuchon moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 795—A bill to be entitled An act relating to penalties for violations of traffic laws; amending s. 318.14, F.S.; providing for a person charged with a noncriminal traffic infraction to make periodic payments to pay civil penalties and fees; providing for certain persons cited for specified offenses to provide proof of compliance to a designated official; providing alternative citation disposition procedures for the offense of operating a motor vehicle with a license that has been suspended for failure to pay certain financial obligations or to comply with specified education requirements; amending s. 318.15, F.S.; providing for suspension of a driver's license for failure to enter into or comply with the terms of a penalty payment plan; providing for reinstatement of the suspended license; amending s. 322.331, F.S.; providing for the removal of a habitual traffic offender designation upon proof of compliance with statutory provisions by certain offenders; amending s. 322.34, F.S.; providing alternative citation disposition procedures for the offense of knowingly operating a motor vehicle with a license that has been suspended for failure to pay certain financial obligations or failure to comply with specified education requirements; providing that adjudication shall be withheld under the alternative disposition and that such withholding of adjudication is not a conviction; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/CS/HB 827—A bill to be entitled An act relating to road designations; designating Andrew J. Capeletti Memorial Ramp, Jose Regueiro Avenue, Manuel Capo Boulevard, Lt. Colonel Charles Brown Memorial Highway, Cuban-American Association of Civil Engineers Way, Biscayne Park Way, Dr. Oscar Elias Biscet Boulevard, and Father Gerard Jean-Juste Street in Miami-Dade County; amending s. 17, ch. 2008-256, Laws of Florida; revising the designation of Jose A. Marques Boulevard in Miami-Dade County; designating Verna Bell Way in Nassau County; directing the Department of Transportation to erect suitable markers; designating a portion of S.W. 67th Avenue in Miami-Dade County as a state historic road; restricting use of public funds for projects related to such road; providing for construction; providing an effective date.

—was read the second time by title.

Representative Bovo offered the following:

(Amendment Bar Code: 957161)

Amendment 1 (with title amendment)—Between lines 86 and 87, insert:

Section 9. Rev. Max Salvador Avenue designated; Department of Transportation to erect suitable markers.—

(1) That portion of S.W. 27th Avenue between S.W. 8th Street and S.W. 13th Street in Miami-Dade County is designated as "Rev. Max Salvador Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating Rev. Max Salvador Avenue as described in subsection (1).

T I T L E A M E N D M E N T

Remove line 7 and insert:

Father Gerard Jean-Juste Street, and Rev. Max Salvador Avenue in Miami-Dade County;

Rep. Bovo moved the adoption of the amendment, which was adopted.

Representative Bush offered the following:

(Amendment Bar Code: 824359)

Amendment 2 (with title amendment)—Between lines 86 and 87, insert:

Section 9. Miss Lillie Williams Street designated; Department of Transportation to erect suitable markers.—

(1) That portion of N.W. 79th Street between N.W. 6th Avenue and N.W. 7th Avenue in Miami-Dade County is designated as "Miss Lillie Williams Street."

(2) The Department of Transportation is directed to erect suitable markers designating Miss Lillie Williams Street as described in subsection (1).

Section 10. John Torrese Family Road designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 997 between S.W. 288th Street and S.W. 344th Street in Miami-Dade County is designated as "John Torrese Family Road."

(2) The Department of Transportation is directed to erect suitable markers designating John Torrese Family Road as described in subsection (1).

Section 11. Manuel Capo Way designated; Department of Transportation to erect suitable markers.—

(1) That portion of S.W. 88th Street between S.W. 137th Avenue and S.W. 142nd Avenue in Miami-Dade County is designated as "Manuel Capo Way."

(2) The Department of Transportation is directed to erect suitable markers designating Manuel Capo Way as described in subsection (1).

T I T L E A M E N D M E N T

Remove line 7 and insert:

Father Gerard Jean-Juste Street, Miss Lillie Williams Street, John Torrese Family Road, and Manuel Capo Way in Miami-Dade County;

Rep. Bush moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 1297—A bill to be entitled An act relating to Northeast Florida regional transportation; creating the Northeast Florida Regional Transportation Study Commission; providing for membership and organization; providing for reimbursement of expenses; providing for removal and suspension of commission members; providing for the Jacksonville Transportation Authority to staff the commission; providing for funding of the commission; providing that the costs of staffing and the amount of funding are determined by the board of the Jacksonville Transportation Authority; providing for committees within the commission; providing for commission meetings; providing for the commission to make available to the public its meeting minutes, reports, and recommendations and publish its

reports and recommendations electronically; directing the authority to make its Internet site available for such purposes; requiring the commission to submit reports to the Governor and the Legislature; providing that a county's membership in the commission and participation of a county's appointees does not constitute consent of the county to inclusion within the jurisdiction of a regional transportation authority; providing for expiration of the act and termination of the commission; providing an effective date.

—was read the second time by title.

Rep. Evers moved that a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HM 191—A memorial to the Congress of the United States, urging Congress to encourage the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate.

WHEREAS, the Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world, and

WHEREAS, the See is led by Ecumenical Patriarch Bartholomew, who is the 269th in direct succession to the Apostle Andrew and holds titular primacy as primus inter pares, meaning "first among equals," in the community of Orthodox churches worldwide, and

WHEREAS, in 1994, Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, which brought together Christian, Jewish, and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region, and

WHEREAS, in 1997, the Congress of the United States awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal, and

WHEREAS, following the terrorist attacks on our nation on September 11, 2001, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned those attacks as "antireligious," and

WHEREAS, in November 2005, the Ecumenical Patriarch, along with Christian, Jewish, and Muslim leaders, cosponsored the Conference on Peace and Tolerance II to further promote peace and stability in southeastern Europe, the Caucasus region, and Central Asia via religious leaders' interfaith dialogue, understanding, and action, and

WHEREAS, the Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide, with more than 2 million members in the United States, and

WHEREAS, since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims, and

WHEREAS, this religious coexistence is in jeopardy because the Ecumenical Patriarchate is considered a minority religion by the Turkish government, and

WHEREAS, the Government of Turkey has limited the candidates available to hold the office of Ecumenical Patriarch to only Turkish nationals; and, out of the millions of Orthodox Christians who were living in Turkey at the turn of the 20th century, there remain as a result of the policies of the Turkish government during this period fewer than 3,000 of the Ecumenical Patriarch's flock left in that country today, and

WHEREAS, the Government of Turkey closed the Theological School on the island of Halki in 1971 and has refused to allow it to reopen, thus impeding training for Orthodox Christian clergy, and

WHEREAS, the Turkish government has confiscated nearly 94 percent of the Ecumenical Patriarchate's properties and has placed a 42 percent tax, retroactive to 1999, on the Baloukli Hospital and Home for the Aged, a charity hospital run by the Ecumenical Patriarchate, and

WHEREAS, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005, and

WHEREAS, the European Union defined membership criteria for accession at the Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law, and respect for and protection of minorities and human rights, and

WHEREAS, the Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union, and

WHEREAS, Orthodox Christians in this state and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government, and

WHEREAS, the Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle, a group of laymen who each have been honored with a patriarchal title, or "offikion," by the Ecumenical Patriarch for their outstanding service to the Orthodox Church, participated in a Religious Freedom Mission to the European Union in pursuit of human rights and religious freedom for the Ecumenical Patriarch from January 26 to February 7, 2010, NOW, THEREFORE

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is urged to encourage the Government of Turkey to:

(1) Uphold and safeguard religious and human rights without compromise.

(2) Cease its discrimination of the Ecumenical Patriarchate.

(3) Grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession, and the right to train clergy of all nationalities.

(4) Respect the property rights and human rights of the Ecumenical Patriarchate.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time by title. On motion by Rep. Nehr, the memorial was adopted and, under Rule 11.7(h), immediately certified to the Senate.

On motion by Rep. Nehr, the board was opened [Session Vote Sequence: 916] and the following members were recorded as cosponsors of the memorial, along with Reps. Nehr, Anderson, Brandenburg, Eisnaugle, Ford, Frishe, Garcia, Hooper, Horner, Long, Patronis, Plakon, Planas, Rehwinkel Vasilinda, K. Roberson, Y. Roberson, Rouson, Soto, Taylor, Van Zant, Waldman, Wood, Workman, and Zapata: Reps. Abruzzo, Adams, Ambler, Aubuchon, Bembry, Bogdanoff, Bovo, Boyd, Braynon, Brisé, Bullard, Burgin, Bush, Cannon, Carroll, Chestnut, Clarke-Reed, Coley, Crisafulli, Cruz, Domino, Dorworth, Drake, Evers, Fetterman, Fitzgerald, Flores, Gaetz, Galvano, Gibbons, Gibson, Glorioso, Gonzalez, Grady, Grimsley, Hasner, Hays, Heller, Holder, Homan, Hudson, Hukill, Jenne, Jones, Kelly, Kiar, Legg, Llorente, Lopez-Cantera, Mayfield, McBurney, McKeel, Murzin, Nelson, Pafford, Patterson, Poppell, Porth, Precourt, Proctor, Rader, Randolph, Ray, Reagan, Reed, Rivera, Robaina, Rogers, Sachs, Sands, Saunders, Schenck, Schultz, Schwartz, Skidmore, Stargel, Steinberg, G. Thompson, N. Thompson, Thurston, Tobia, Troutman, Weatherford, Weinstein, A. Williams, and T. Williams.

CS/HB 729—A bill to be entitled An act relating to the practice of tattooing; creating s. 381.00771, F.S.; defining terms; creating s. 381.00773, F.S.; exempting certain personnel who perform tattooing for medical or dental purposes from regulation under specified provisions; creating s. 381.00775, F.S.; prohibiting the practice of tattooing except by a person licensed or registered by the Department of Health; requiring tattoo artists to complete a department-approved education course and pass an examination; providing for the licensure of tattoo artists and the registration of guest tattoo artists licensed

in jurisdictions outside this state; creating s. 381.00777, F.S.; requiring the licensure of permanent tattoo establishments and temporary establishments; creating s. 381.00779, F.S.; providing practice requirements for tattoo artists, guest tattoo artists, tattoo establishments, and temporary establishments; requiring the department to inspect the establishments at specified intervals; creating s. 381.00781, F.S.; providing for fees for initial licensure or registration and the renewal or reactivation thereof; authorizing the adjustment of fees according to inflation or deflation; creating s. 381.00783, F.S.; specifying acts that constitute grounds for which the department may take disciplinary action; providing penalties; creating s. 381.00785, F.S.; providing penalties for certain violations involving the practice of tattooing; transferring, renumbering, and amending s. 877.04, F.S.; prohibiting the tattooing of a minor child except under certain circumstances; providing penalties; providing exceptions; creating s. 381.00789, F.S.; requiring the department to adopt rules to administer the act; creating s. 381.00791, F.S.; providing that specified provisions do not preempt certain local laws and ordinances; providing an effective date.

—was read the second time by title.

Representative Stargel offered the following:

(Amendment Bar Code: 503221)

Amendment 1 (with title amendment)—Between lines 404 and 405, insert:

Section 12. Paragraph (b) of subsection (3) of section 390.01114, Florida Statutes, is amended to read:

390.01114 Parental Notice of Abortion Act.—

(3) NOTIFICATION REQUIRED.—

(b) Notice is not required if:

1. In the physician's good faith clinical judgment, a medical emergency exists and there is insufficient time for the attending physician to comply with the notification requirements. If a medical emergency exists, the physician may proceed but must document reasons for the medical necessity in the patient's medical records;

2. Notice is waived in writing by the person who is entitled to notice and such waiver is notarized, dated not more than 30 days before the termination of pregnancy, and contains a specific waiver of the right of the parent or the legal guardian to notice of the minor's termination of pregnancy;

3. Notice is waived by the minor who is or has been married or has had the disability of nonage removed under s. 743.015 or a similar statute of another state;

4. Notice is waived by the patient because the patient has a minor child dependent on her; or

5. Notice is waived under subsection (4).

T I T L E A M E N D M E N T

Remove lines 2-35 and insert:

An act relating to procedures performed on minors; creating s. 381.00771, F.S.; defining terms; creating s. 381.00773, F.S.; exempting certain personnel who perform tattooing for medical or dental purposes from regulation under specified provisions; creating s. 381.00775, F.S.; prohibiting the practice of tattooing except by a person licensed or registered by the Department of Health; requiring tattoo artists to complete a department-approved education course and pass an examination; providing for the licensure of tattoo artists and the registration of guest tattoo artists licensed in jurisdictions outside this state; creating s. 381.00777, F.S.; requiring the licensure of permanent tattoo establishments and temporary establishments; creating s. 381.00779, F.S.; providing practice requirements for tattoo artists, guest tattoo artists, tattoo establishments, and temporary establishments; requiring the department to inspect the establishments at specified intervals; creating s. 381.00781, F.S.; providing for fees for initial licensure or registration and the renewal or reactivation thereof; authorizing the adjustment of fees according to inflation or deflation; creating s. 381.00783, F.S.; specifying acts that constitute grounds for which the department may take disciplinary action; providing penalties; creating s. 381.00785, F.S.; providing penalties for certain violations involving the practice of tattooing; transferring, renumbering, and amending s. 877.04, F.S.; prohibiting the tattooing of a minor child except under certain circumstances; providing penalties; providing exceptions; creating s. 381.00789, F.S.; requiring the department to adopt rules to administer the act; creating s. 381.00791, F.S.; providing that specified provisions do not preempt certain local laws and ordinances; amending s. 390.01114, F.S.; requiring written waivers of persons entitled to notice of their minor's intention to obtain an abortion to be notarized and dated not more than 30 days before the termination of pregnancy and to contain a specific waiver of such person's right to notice; providing an effective date.

Rep. Stargel moved the adoption of the amendment. Subsequently, **Amendment 1** was withdrawn.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS/CS/HB 303—A bill to be entitled An act relating to regulation of real estate appraisers and appraisal management companies; amending s. 475.611, F.S.; providing definitions; amending s. 475.613, F.S.; revising the membership of the Florida Real Estate Appraisal Board; amending s. 475.614, F.S.; requiring the board to adopt certain rules; amending s. 475.6147, F.S.; requiring application, registration, and renewal fees for appraisal management companies; creating s. 475.6235, F.S.; requiring appraisal management companies to register with the Department of Business and Professional Regulation; specifying application requirements and procedures; requiring the fingerprinting and criminal history records checks of, and providing qualifications for, certain persons who control appraisal management companies; requiring nonresident appraisal management companies to consent to commencement of actions in this state; requiring the department to adopt rules relating to the renewal of registrations; amending s. 475.624, F.S.; conforming provisions to changes made by the act; creating s. 475.6245, F.S.; providing for the discipline of appraisal management companies by the board; amending s. 475.626, F.S.; providing penalties; conforming provisions to changes made by the act; amending s. 475.629, F.S.; revising requirements for the retention of appraisal records; requiring appraisal management companies to follow such requirements; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7243—A bill to be entitled An act relating to environmental control; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to provide technical assistance to the Department of Environmental Protection in the creation of the Recycling Business Assistance Center; amending s. 403.44, F.S.; eliminating a greenhouse gas registration and reporting requirement for major emitters; eliminating a requirement for the Department of Environmental Protection to establish methodologies, reporting periods, and reporting systems relating to greenhouse gas emissions; amending s. 403.7032, F.S.; requiring all public entities and those entities occupying buildings managed by the Department of Management Services to report recycling data; providing exceptions; encouraging certain private entities to report the disposal of recyclable materials; requiring the Department of Management Services to report on green and recycled products purchased through its procurement system; directing the Department of Environmental Protection to create the Recycling Business Assistance Center; providing requirements for the center; amending s. 403.7046, F.S., relating to regulation of recovered materials; deleting a requirement that the Department of Environmental Protection appoint a technical advisory committee; revising reporting requirements; amending s. 403.7049, F.S.; conforming a cross-reference; amending s. 403.705, F.S.; conforming a cross-reference; requiring that the Department of Environmental Protection report biennially to the Legislature on the state's success in meeting solid waste reduction goals; amending s. 403.706, F.S.; requiring counties to meet specific recycling

benchmarks; providing legislative intent; requiring certain multifamily residential and commercial properties to provide recycling receptacles; authorizing the Department of Environmental Protection to require counties to develop a plan to expand recycling programs under certain conditions; requiring the Department of Environmental Protection to provide a report to the Legislature if a specified recycling rate is not met; eliminating a requirement that counties develop composting goals; providing for waste-to-energy production to be applied toward meeting recycling benchmarks; providing exceptions; providing deadlines for the reporting of recycling data; amending s. 403.7061, F.S.; revising requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection; amending s. 403.707, F.S.; requiring liners for new construction and demolition debris landfills; establishing recycling rates for source-separation activities; providing an exception; amending s. 403.709, F.S.; conforming a cross-reference; amending s. 403.7095, F.S.; revising provisions relating to the solid waste management grant program; deleting provisions requiring the Department of Environmental Protection to develop a competitive and innovative grant program for certain counties, municipalities, special districts, and nonprofit organizations; deleting application requirements for such grant program; deleting a requirement for the Department of Environmental Protection to evaluate and prioritize grant proposals for inclusion in its annual budget request; revising the distribution of funds for the small-county consolidated grant program; deleting obsolete provisions; amending s. 403.7145, F.S.; revising recycling requirements for certain state buildings; providing for a pilot project for the Capitol recycling area; requiring each public airport in the state to collect aluminum beverage cans and recyclable plastic and glass from the entities doing business at the airport and to offer such materials for recycling; amending s. 533.77, F.S.; requiring the Florida Building Commission to develop specified recommendations relating to recycling and composting and the use of recyclable materials; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; providing an effective date.

—was read the second time by title.

Representative Bembry offered the following:

(Amendment Bar Code: 960033)

Amendment 1 (with title amendment)—Between lines 90 and 91, insert:

Section 2. Paragraph (a) of subsection (19) of section 373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(19)(a) Financial responsibility for mitigation for wetlands and other surface waters required by a permit issued pursuant to this part for activities associated with the extraction of limestone and phosphate are subject to approval by the department as part of permit application review. Financial responsibility for permitted activities which will occur over a period of 3 years or less of mining operations must be provided to the department prior to the commencement of mining operations and shall be in an amount equal to 110 percent of the estimated mitigation costs for wetlands and other surface waters affected under the permit. For permitted activities which will occur over a period of more than 3 years of mining operations, the initial financial responsibility demonstration shall be in an amount equal to 110 percent of the estimated mitigation costs for wetlands and other surface waters affected in the first 3 years of operation under the permit; and, for each year thereafter, the financial responsibility demonstration shall be updated, including to provide an amount equal to 110 percent of the estimated mitigation costs for the next year of operations under the permit for which financial responsibility has not already been demonstrated and to release portions of the financial responsibility mechanisms in accordance with applicable rules.

Section 3. Subsection (2) of section 378.901, Florida Statutes, is amended to read:

378.901 Life-of-the-mine permit.—

(2) As an alternative to, and in lieu of, separate applications for permits required by part IV of chapter 373 and part IV of this chapter, any ~~each~~ operator who mines or extracts or proposes to mine or extract heavy minerals, limestone, or fuller's earth clay may apply to the bureau for a life-of-the-mine permit. Nothing in this subsection limits or restricts the authority of a local government to approve, approve with conditions, deny, or impose a permit duration different from the duration of a permit issued pursuant to this section.

T I T L E A M E N D M E N T

Remove line 6 and insert:

Business Assistance Center; amending s. 373.414, F.S.; providing that financial responsibility for mitigation for wetlands and other surface waters required by a permit for activities associated with the extraction of limestone are subject to approval by the Department of Environmental Protection as part of permit application review; amending s. 378.901, F.S.; authorizing mine operators mining or extracting or proposing to mine or extract heavy minerals, limestone, or fuller's earth clay to apply for a life-of-the-mine permit; clarifying the authority of local governments to approve, approve with conditions, deny, or impose certain permit durations; amending s. 403.44, F.S.;

Rep. Bembry moved the adoption of the amendment, which was adopted.

Representative Kreegel offered the following:

(Amendment Bar Code: 120467)

Amendment 2 (with title amendment)—Between lines 794 and 795, insert:

Section 14. Subsections (1), (2), and (3) of section 220.1845, Florida Statutes, are renumbered as subsections (2), (3), and (4), respectively, and a new subsection (1) is added to that section to read:

220.1845 Contaminated site rehabilitation tax credit.—

(1) APPLICATION FOR TAX CREDIT.—A site rehabilitation application must be received by the Division of Waste Management of the Department of Environmental Protection by January 31 of the year after the calendar year for which site rehabilitation costs are being claimed in a tax credit application. All site rehabilitation costs claimed must have been for work conducted between January 1 and December 31 of the year for which the application is being submitted. All payment requests must have been received and all costs must have been paid prior to submittal of the tax credit application, but no later than January 31 of the year after the calendar year for which site rehabilitation costs are being claimed.

Section 15. Paragraph (a) of subsection (5), paragraph (c) of subsection (6), and subsections (9) and (10) of section 376.30781, Florida Statutes, are amended to read:

376.30781 Tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(5) To claim the credit for site rehabilitation or solid waste removal, each tax credit applicant must apply to the Department of Environmental Protection for an allocation of the $2 million annual credit by filing a tax credit application with the Division of Waste Management on a form developed by the Department of Environmental Protection in cooperation with the Department of Revenue. The form shall include an affidavit from each tax credit applicant certifying that all information contained in the application, including all records of costs incurred and claimed in the tax credit application, are true and correct. If the application is submitted pursuant to subparagraph (3)(a)2., the form must include an affidavit signed by the real property owner stating that it is not, and has never been, the owner or operator of the drycleaning facility where the contamination exists. Approval of tax credits must be accomplished on a first-come, first-served basis based upon the date and time complete applications are received by the Division of Waste Management, subject to the limitations of subsection (14). To be eligible for a tax credit, the tax credit applicant must:

(a) For site rehabilitation tax credits, have entered into a voluntary cleanup agreement with the Department of Environmental Protection for a drycleaning-solvent-contaminated site or a Brownfield Site Rehabilitation Agreement, as applicable, and have paid all deductibles pursuant to s.

376.3078(3)(e) for eligible drycleaning-solvent-cleanup program sites, as applicable. A site rehabilitation tax credit applicant must submit only a single completed application per site for each calendar year's site rehabilitation costs. A site rehabilitation application must be received by the Division of Waste Management of the Department of Environmental Protection by January 31 of the year after the calendar year for which site rehabilitation costs are being claimed in a tax credit application. All site rehabilitation costs claimed must have been for work conducted between January 1 and December 31 of the year for which the application is being submitted. All payment requests must have been received and all costs must have been paid prior to submittal of the tax credit application, but no later than January 31 of the year after the calendar year for which site rehabilitation costs are being claimed.

(6) To obtain the tax credit certificate, the tax credit applicant must provide all pertinent information requested on the tax credit application form, including, at a minimum, the name and address of the tax credit applicant and the address and tracking identification number of the eligible site. Along with the tax credit application form, the tax credit applicant must submit the following:

(c) Proof that the documentation submitted pursuant to paragraph (b) has been reviewed and verified by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants. Specifically, a certified public accountant's report must be submitted and the certified public accountant must attest to the accuracy and validity of the costs claimed ~~incurred and paid during the time period covered~~ in the application by conducting an independent review of the data presented by the tax credit applicant. Accuracy and validity of costs incurred and paid shall be determined after the level of effort is certified by an appropriate professional registered in this state in each contributing technical discipline. The certified public accountant's report must also attest that the costs included in the application form are not duplicated within the application, that all payment requests were received and all costs were paid prior to submittal of the tax credit application, and, for site rehabilitation tax credits, that all costs claimed are for work conducted between January 1 and December 31 of the year for which the application is being submitted. A copy of the accountant's report shall be submitted to the Department of Environmental Protection in addition to the accountant's certification form in the tax credit application; and

(9) On or before May 1, the Department of Environmental Protection shall inform each tax credit applicant that is subject to the January 31 annual application deadline of the applicant's eligibility status and the amount of any tax credit due. The department shall provide each eligible tax credit applicant with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit or be transferred pursuant to s. 220.1845(2)(g) ~~s. 220.1845(1)(g)~~. The May 1 deadline for annual site rehabilitation tax credit certificate awards shall not apply to any tax credit application for which the department has issued a notice of deficiency pursuant to subsection (8). The department shall respond within 90 days after receiving a response from the tax credit applicant to such a notice of deficiency. Credits may not result in the payment of refunds if total credits exceed the amount of tax owed.

(10) For solid waste removal, new health care facility or health care provider, and affordable housing tax credit applications, the Department of Environmental Protection shall inform the applicant of the department's determination within 90 days after the application is deemed complete. Each eligible tax credit applicant shall be informed of the amount of its tax credit and provided with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit or be transferred pursuant to s. 220.1845(2)(g) ~~s. 220.1845(1)(g)~~. Credits may not result in the payment of refunds if total credits exceed the amount of tax owed.

Section 16. Section 376.85, Florida Statutes, is amended to read:

376.85 Annual report.—The Department of Environmental Protection shall prepare and submit ~~an annual report~~ to the President of the Senate and the Speaker of the House of Representatives by August 1 of each year a report that includes ~~Legislature, beginning in December 1998, which shall include~~, but is not ~~be~~ limited to, the number, size, and locations of brownfield sites: that have been remediated under the provisions of this act,; that are currently under rehabilitation pursuant to a negotiated site rehabilitation agreement with the department or a delegated local program,; where alternative cleanup target levels have been established pursuant to s. 376.81(1)(g)3.,; and; where engineering and institutional control strategies are being employed as conditions of a "no further action order" to maintain the protections provided in s. 376.81(1)(g)1. and 2.

Section 17. Section 403.973, Florida Statutes, is amended to read:

403.973 Expedited permitting; amendments to comprehensive plans ~~plan amendments~~.—

(1) It is the intent of the Legislature to encourage and facilitate the location and expansion of those types of economic development projects which offer job creation and high wages, strengthen and diversify the state's economy, and have been thoughtfully planned to take into consideration the protection of the state's environment. It is also the intent of the Legislature to provide for an expedited permitting and comprehensive plan amendment process for such projects.

(2) As used in this section, the term:

(a) "Duly noticed" means publication in a newspaper of general circulation in the municipality or county with jurisdiction. The notice shall appear on at least 2 separate days, one of which shall be at least 7 days before the meeting. The notice shall state the date, time, and place of the meeting scheduled to discuss or enact the memorandum of agreement, and the places within the municipality or county where such proposed memorandum of agreement may be inspected by the public. The notice must be one-eighth of a page in size and must be published in a portion of the paper other than the legal notices section. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the memorandum of agreement.

(b) "Jobs" means permanent, full-time equivalent positions not including construction jobs.

(c) "Office" means the Office of Tourism, Trade, and Economic Development.

(d) "Permit applications" means state permits and licenses, and at the option of a participating local government, local development permits or orders.

(e) "Secretary" means the Secretary of Environmental Protection or his or her designee.

(3)(a) The secretary ~~Governor, through the office,~~ shall direct the creation of regional permit action teams, for the purpose of expediting review of permit applications and local comprehensive plan amendments submitted by:

1. Businesses creating at least 50 ~~100~~ jobs;, or

2. Businesses creating at least 25 ~~50~~ jobs if the project is located in an enterprise zone, or in a county having a population of fewer ~~less~~ than 75,000 or in a county having a population of fewer ~~less~~ than 125,000 ~~100,000~~ which is contiguous to a county having a population of fewer ~~less~~ than 75,000, as determined by the most recent decennial census, residing in incorporated and unincorporated areas of the county.~~, or~~

(b) On a case-by-case basis and at the request of a county or municipal government, the office may certify as eligible for expedited review a project not meeting the minimum job creation thresholds but creating a minimum of 10 jobs. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for the office to certify that any project is eligible for expedited review under this paragraph. When considering projects that do not meet the minimum job creation thresholds but that are recommended by the governing body in which the project may be located, the office shall consider economic impact factors that include, but are not limited to:

1. The proposed wage and skill levels relative to those existing in the area in which the project may be located;

2. The project's potential to diversify and strengthen the area's economy;

3. The amount of capital investment; and

4. The number of jobs that will be made available for persons served by the welfare transition program.

(c) At the request of a county or municipal government, the office or a Quick Permitting County may certify projects located in counties where the ratio of new jobs per participant in the welfare transition program, as determined by Workforce Florida, Inc., is less than one or otherwise critical, as eligible for the expedited permitting process. Such projects must meet the

numerical job creation criteria of this subsection, but the jobs created by the project do not have to be high-wage jobs that diversify the state's economy.

(d) Projects located in a designated brownfield area are eligible for the expedited permitting process.

(e) Projects that are part of the state-of-the-art biomedical research institution and campus to be established in this state by the grantee under s. 288.955 are eligible for the expedited permitting process, if the projects are designated as part of the institution or campus by the board of county commissioners of the county in which the institution and campus are established.

(f) Projects resulting in the production of biofuels cultivated on lands that are 1,000 acres or more or in the construction of a biofuel or biodiesel processing facility or a facility generating renewable energy, as defined in s. 366.91(2)(d), are eligible for the expedited permitting process.

(4) The regional teams shall be established through the execution of memoranda of agreement developed by the applicant and the secretary, with input solicited from ~~between~~ the office and the respective heads of ~~the Department of Environmental Protection,~~ the Department of Community Affairs, the Department of Transportation and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memoranda of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

(5) In order to facilitate local government's option to participate in this expedited review process, the secretary ~~office~~ shall, in cooperation with local governments and participating state agencies, create a standard form memorandum of agreement. A local government shall hold a duly noticed public workshop to review and explain to the public the expedited permitting process and the terms and conditions of the standard form memorandum of agreement.

(6) The local government shall hold a duly noticed public hearing to execute a memorandum of agreement for each qualified project. Notwithstanding any other provision of law, and at the option of the local government, the workshop provided for in subsection (5) may be conducted on the same date as the public hearing held under this subsection. The memorandum of agreement that a local government signs shall include a provision identifying necessary local government procedures and time limits that will be modified to allow for the local government decision on the project within 90 days. The memorandum of agreement applies to projects, on a case-by-case basis, that qualify for special review and approval as specified in this section. The memorandum of agreement must make it clear that this expedited permitting and review process does not modify, qualify, or otherwise alter existing local government nonprocedural standards for permit applications, unless expressly authorized by law.

(7) ~~At the option of the participating local government,~~ Appeals of local government comprehensive plan approvals ~~its final approval~~ for a project shall ~~may~~ be pursuant to the summary hearing provisions of s. 120.574, pursuant to subsection (14), and consolidated with the challenge of any applicable state agency actions ~~or pursuant to other appellate processes available to the local government. The local government's decision to enter into a summary hearing must be made as provided in s. 120.574 or in the memorandum of agreement~~.

(8) Each memorandum of agreement shall include a process for final agency action on permit applications and local comprehensive plan amendment approvals within 90 days after receipt of a completed application, unless the applicant agrees to a longer time period or the secretary ~~office~~ determines that unforeseen or uncontrollable circumstances preclude final agency action within the 90-day timeframe. Permit applications governed by federally delegated or approved permitting programs whose requirements would prohibit or be inconsistent with the 90-day timeframe are exempt from this provision, but must be processed by the agency with federally delegated or approved program responsibility as expeditiously as possible.

(9) The secretary ~~office~~ shall inform the Legislature by October 1 of each year which agencies have not entered into or implemented an agreement and identify any barriers to achieving success of the program.

(10) The memoranda of agreement may provide for the waiver or modification of procedural rules prescribing forms, fees, procedures, or time limits for the review or processing of permit applications under the jurisdiction of those agencies that are party to the memoranda of agreement. Notwithstanding any other provision of law to the contrary, a memorandum of agreement must to the extent feasible provide for proceedings and hearings otherwise held separately by the parties to the memorandum of agreement to be combined into one proceeding or held jointly and at one location. Such waivers or modifications shall not be available for permit applications governed by federally delegated or approved permitting programs, the requirements of which would prohibit, or be inconsistent with, such a waiver or modification.

(11) The standard form for memoranda of agreement shall include guidelines to be used in working with state, regional, and local permitting authorities. Guidelines may include, but are not limited to, the following:

(a) A central contact point for filing permit applications and local comprehensive plan amendments and for obtaining information on permit and local comprehensive plan amendment requirements;

(b) Identification of the individual or individuals within each respective agency who will be responsible for processing the expedited permit application or local comprehensive plan amendment for that agency;

(c) A mandatory preapplication review process to reduce permitting conflicts by providing guidance to applicants regarding the permits needed from each agency and governmental entity, site planning and development, site suitability and limitations, facility design, and steps the applicant can take to ensure expeditious permit application and local comprehensive plan amendment review. As a part of this process, the first interagency meeting to discuss a project shall be held within 14 days after the secretary's ~~office's~~ determination that the project is eligible for expedited review. Subsequent interagency meetings may be scheduled to accommodate the needs of participating local governments that are unable to meet public notice requirements for executing a memorandum of agreement within this timeframe. This accommodation may not exceed 45 days from the secretary's ~~office's~~ determination that the project is eligible for expedited review;

(d) The preparation of a single coordinated project description form and checklist and an agreement by state and regional agencies to reduce the burden on an applicant to provide duplicate information to multiple agencies;

(e) Establishment of a process for the adoption and review of any comprehensive plan amendment needed by any certified project within 90 days after the submission of an application for a comprehensive plan amendment. However, the memorandum of agreement may not prevent affected persons as defined in s. 163.3184 from appealing or participating in this expedited plan amendment process and any review or appeals of decisions made under this paragraph; and

(f) Additional incentives for an applicant who proposes a project that provides a net ecosystem benefit.

(12) The applicant, the regional permit action team, and participating local governments may agree to incorporate into a single document the permits, licenses, and approvals that are obtained through the expedited permit process. This consolidated permit is subject to the summary hearing provisions set forth in subsection (14).

(13) Notwithstanding any other provisions of law:

(a) Local comprehensive plan amendments for projects qualified under this section are exempt from the twice-a-year limits provision in s. 163.3187; and

(b) Projects qualified under this section are not subject to interstate highway level-of-service standards adopted by the Department of Transportation for concurrency purposes. The memorandum of agreement specified in subsection (5) must include a process by which the applicant will be assessed a fair share of the cost of mitigating the project's significant traffic impacts, as defined in chapter 380 and related rules. The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.

(14)(a) Challenges to state agency action in the expedited permitting process for projects processed under this section are subject to the summary hearing provisions of s. 120.574, except that the administrative law judge's decision, as provided in s. 120.574(2)(f), shall be in the form of a recommended order and shall not constitute the final action of the state agency. In those proceedings where the action of only one agency of the state other than the Department of Environmental Protection is challenged, the agency of the state shall issue the final order within 45 ~~10~~ working days after ~~of~~ receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. In those proceedings where the actions of more than one agency of the state are challenged, the Governor shall issue the final order within 45 ~~10~~ working days after ~~of~~ receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. This paragraph does not apply to the issuance of department licenses required under any federally delegated or approved permit program. In such instances, the department shall enter the final order. The participating agencies of the state may opt at the preliminary hearing conference to allow the administrative law judge's decision to constitute the final agency action. If a participating local government agrees to participate in the summary hearing provisions of s. 120.574 for purposes of review of local government comprehensive plan amendments, s. 163.3184(9) and (10) apply.

(b) Projects identified in paragraph (3)(f) or challenges to state agency action in the expedited permitting process for establishment of a state-of-the-art biomedical research institution and campus in this state by the grantee under s. 288.955 are subject to the same requirements as challenges brought under paragraph (a), except that, notwithstanding s. 120.574, summary proceedings must be conducted within 30 days after a party files the motion for summary hearing, regardless of whether the parties agree to the summary proceeding.

(15) The office, working with the agencies providing cooperative assistance and input regarding ~~participating in~~ the memoranda of agreement, shall review sites proposed for the location of facilities eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by the office, the agencies shall provide to the office a statement as to each site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

(16) This expedited permitting process shall not modify, qualify, or otherwise alter existing agency nonprocedural standards for permit applications or local comprehensive plan amendments, unless expressly authorized by law. If it is determined that the applicant is not eligible to use this process, the applicant may apply for permitting of the project through the normal permitting processes.

(17) The office shall be responsible for certifying a business as eligible for undergoing expedited review under this section. Enterprise Florida, Inc., a county or municipal government, or the Rural Economic Development Initiative may recommend to the Office of Tourism, Trade, and Economic Development that a project meeting the minimum job creation threshold undergo expedited review.

(18) The office, working with the Rural Economic Development Initiative and the agencies participating in the memoranda of agreement, shall provide technical assistance in preparing permit applications and local comprehensive plan amendments for counties having a population of fewer ~~less~~ than 75,000 residents, or counties having fewer than 125,000 ~~100,000~~ residents which are contiguous to counties having fewer than 75,000 residents. Additional assistance may include, but not be limited to, guidance in land development regulations and permitting processes, working cooperatively with state, regional, and local entities to identify areas within these counties which may be suitable or adaptable for preclearance review of specified types of land uses and other activities requiring permits.

(19) The following projects are ineligible for review under this part:

(a) A project funded and operated by a local government, as defined in s. 377.709, and located within that government's jurisdiction.

(b) A project, the primary purpose of which is to:

1. Effect the final disposal of solid waste, biomedical waste, or hazardous waste in this state.

2. Produce electrical power, unless the production of electricity is incidental and not the primary function of the project or the electrical power is derived from a fuel source for renewable energy as defined in s. 366.91(2)(d).

3. Extract natural resources.

4. Produce oil.

5. Construct, maintain, or operate an oil, petroleum, natural gas, or sewage pipeline.

T I T L E A M E N D M E N T

Remove line 72 and insert:

composting and the use of recyclable materials; amending ss. 220.1845 and 376.30781, F.S.; providing requirements for claiming certain site rehabilitation costs in applications for contaminated site rehabilitation tax credits; conforming cross-references; amending s. 376.85, F.S.; revising requirements for the Department of Environmental Protection's annual report to the Legislature regarding site rehabilitation; amending s. 403.973, F.S.; transferring certain authority over the expedited permitting and comprehensive plan amendment process from the Office of Tourism, Trade, and Economic Development to the Secretary of Environmental Protection; revising job-creation criteria for businesses to qualify to submit permit applications and local comprehensive plan amendments for expedited review; providing that permit applications and local comprehensive plan amendments for specified renewable energy projects are eligible for the expedited permitting process; providing for the establishment of regional permit action teams through the execution of memoranda of agreement developed by permit applicants and the secretary; revising provisions relating to the memoranda of agreement developed by the secretary; providing for the appeal of local government comprehensive plan approvals for projects and requiring such appeals to be consolidated with challenges to state agency actions; requiring recommended orders relating to challenges to state agency actions pursuant to summary hearing provisions to include certain information; extending the deadline for issuance of final orders relating to such challenges; providing for challenges to state agency action related to expedited permitting for specified renewable energy projects; revising provisions relating to the review of sites proposed for the location of facilities eligible for the Innovation Incentive Program; revising criteria for counties eligible to receive technical assistance in preparing permit applications and local comprehensive plan amendments; specifying expedited review eligibility for certain electrical power projects; repealing

Rep. T. Williams moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 7229—A bill to be entitled An act relating to economic incentives for energy initiatives; amending s. 377.601, F.S.; revising legislative intent relating to the state's energy policy; amending s. 377.703, F.S.; conforming cross-references; amending s. 366.02, F.S.; revising the definition of the term "public utility" for purposes of regulating such utilities; creating s. 366.90, F.S.; providing legislative intent relating to renewable energy production of electricity; amending s. 366.91, F.S.; deleting legislative intent provisions to conform to changes made by the act; revising definitions of the terms "biomass" and "renewable energy"; requiring public utilities to purchase renewable energy from producers at full avoided cost under certain circumstances; providing that renewable energy producers are entitled to sell electrical energy to a public utility at full avoided cost under certain circumstances; providing legislative findings; providing for the calculation of

full avoided cost for such purchases of renewable energy; declaring that certain actions taken by the Public Service Commission are not actions relating to utility rates or services; amending s. 366.92, F.S.; deleting the legislative intent provisions; deleting and revising definitions; deleting provisions for the renewable portfolio standard and renewable energy credits; providing a mechanism for providers to recover costs to produce or purchase specified amounts of renewable energy through the environmental cost-recovery clause under certain conditions; requiring providers to include specified information related to renewable energy development in a certain report; authorizing a developer of solar energy generation to locate a solar energy generation facility on the premises of a host consumer under certain circumstances; requiring the commission to adopt rules and submit reports to the Legislature; amending s. 403.503, F.S.; revising the definition of "electrical power plant" for purposes of the Florida Electrical Power Plant Siting Act; amending ss. 288.9602 and 288.9603, F.S.; revising legislative findings and declarations and definitions for purposes of the Florida Development Finance Corporation Act; amending s. 288.9604, F.S.; revising requirements for the establishment and organization of the Florida Development Finance Corporation; amending s. 288.9605, F.S.; revising the powers of the corporation; amending s. 288.9606, F.S.; revising requirements for the corporation's issuance of revenue bonds; amending s. 288.9607, F.S.; limiting the corporation's approval of guaranties for debt service for bonds or other indebtedness for any one capital project; deleting provisions for the corporation's investment of certain funds in the State Transportation Trust Fund; authorizing guarantees to be used in conjunction with federal guaranty programs; amending s. 288.9608, F.S.; creating the Energy, Technology, and Economic Development Guaranty Fund; providing for the deposit and use of certain moneys in the fund; deleting requirements for the corporation's debt service reserve account and Revenue Bond Guaranty Reserve Account; amending ss. 288.9609, 288.9610, 206.46, 215.47, 339.08, and 339.135, F.S.; conforming provisions to changes made by the act; providing for severability; providing an effective date.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

Rep. Rehwinkel Vasilinda moved that a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Rep. Rehwinkel Vasilinda moved that a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Representative Precourt offered the following:

(Amendment Bar Code: 042441)

Amendment 1 (with title amendment)—Remove lines 190-686 and insert:

Section 3. Section 366.90, Florida Statutes, is created to read:

366.90 Renewable energy for electricity production.—In furtherance of the energy policy goals established in s. 377.601, the Legislature finds that it is in the public interest to promote the development of renewable energy resources in the state, for purposes of electricity production, through the mechanisms established in ss. 366.91 and 366.92. The Legislature further finds that renewable energy resources have the potential to help diversify fuel types to alleviate the state's growing dependence on natural gas and other fossil fuels for the production of electricity, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make the state a leader in new and innovative technologies.

Section 4. Subsection (1) and paragraph (a) of subsection (2) of section 366.91, Florida Statutes, are amended, and subsections (2) through (8) of that section are renumbered as subsections (1) through (7), respectively, to read:

366.91 Renewable energy.—

~~(1) The Legislature finds that it is in the public interest to promote the development of renewable energy resources in this state. Renewable energy resources have the potential to help diversify fuel types to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies.~~

(1)~~(2)~~ As used in this section, the term:

(a) "Biomass" means a power source that is comprised of, but not limited to, combustible residues or gases from forest products manufacturing, waste, byproducts, or products from agricultural and orchard crops, waste or coproducts from livestock and poultry operations, waste or byproducts from food processing, recycling byproducts, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas.

Section 5. Section 366.92, Florida Statutes, is amended to read:

366.92 Florida renewable energy policy.—

~~(1) It is the intent of the Legislature to promote the development of renewable energy; protect the economic viability of Florida's existing renewable energy facilities; diversify the types of fuel used to generate electricity in Florida; lessen Florida's dependence on natural gas and fuel oil for the production of electricity; minimize the volatility of fuel costs; encourage investment within the state; improve environmental conditions; and, at the same time, minimize the costs of power supply to electric utilities and their customers.~~

(1)~~(2)~~ As used in this section, the term:

~~(a) "Florida renewable energy resources" means renewable energy, as defined in s. 377.803, that is produced in Florida.~~

(a)~~(b)~~ "Provider" means a "utility" as defined in s. 366.8255(1)(a).

(b)~~(c)~~ "Renewable energy" means renewable energy as defined in s. 366.91~~(2)(d)~~ that is produced in the state.

~~(d) "Renewable energy credit" or "REC" means a product that represents the unbundled, separable, renewable attribute of renewable energy produced in Florida and is equivalent to 1 megawatt-hour of electricity generated by a source of renewable energy located in Florida.~~

~~(e) "Renewable portfolio standard" or "RPS" means the minimum percentage of total annual retail electricity sales by a provider to consumers in Florida that shall be supplied by renewable energy produced in Florida.~~

~~(3) The commission shall adopt rules for a renewable portfolio standard requiring each provider to supply renewable energy to its customers directly, by procuring, or through renewable energy credits. In developing the RPS rule, the commission shall consult the Department of Environmental Protection and the Florida Energy and Climate Commission. The rule shall not be implemented until ratified by the Legislature. The commission shall present a draft rule for legislative consideration by February 1, 2009.~~

~~(a) In developing the rule, the commission shall evaluate the current and forecasted levelized cost in cents per kilowatt hour through 2020 and current and forecasted installed capacity in kilowatts for each renewable energy generation method through 2020.~~

~~(b) The commission's rule:~~

~~1. Shall include methods of managing the cost of compliance with the renewable portfolio standard, whether through direct supply or procurement of renewable power or through the purchase of renewable energy credits. The commission shall have rulemaking authority for providing annual cost recovery and incentive-based adjustments to authorized rates of return on common equity to providers to incentivize renewable energy. Notwithstanding s. 366.91(3) and (4), upon the ratification of the rules developed pursuant to this subsection, the commission may approve projects and power sales agreements with renewable power producers and the sale of renewable energy credits needed to comply with the renewable portfolio standard. In the event of any conflict, this subparagraph shall supersede s. 366.91(3) and (4). However, nothing in this section shall alter the obligation of each public utility to continuously offer a purchase contract to producers of renewable energy.~~

~~2. Shall provide for appropriate compliance measures and the conditions under which noncompliance shall be excused due to a determination by the commission that the supply of renewable energy or renewable energy credits was not adequate to satisfy the demand for such energy or that the cost of securing renewable energy or renewable energy credits was cost prohibitive.~~

~~3. May provide added weight to energy provided by wind and solar photovoltaic over other forms of renewable energy, whether directly supplied~~

~~or procured or indirectly obtained through the purchase of renewable energy credits.~~

~~4. Shall determine an appropriate period of time for which renewable energy credits may be used for purposes of compliance with the renewable portfolio standard.~~

~~5. Shall provide for monitoring of compliance with and enforcement of the requirements of this section.~~

~~6. Shall ensure that energy credited toward compliance with the requirements of this section is not credited toward any other purpose.~~

~~7. Shall include procedures to track and account for renewable energy credits, including ownership of renewable energy credits that are derived from a customer-owned renewable energy facility as a result of any action by a customer of an electric power supplier that is independent of a program sponsored by the electric power supplier.~~

~~8. Shall provide for the conditions and options for the repeal or alteration of the rule in the event that new provisions of federal law supplant or conflict with the rule.~~

~~(c) Beginning on April 1 of the year following final adoption of the commission's renewable portfolio standard rule, each provider shall submit a report to the commission describing the steps that have been taken in the previous year and the steps that will be taken in the future to add renewable energy to the provider's energy supply portfolio. The report shall state whether the provider was in compliance with the renewable portfolio standard during the previous year and how it will comply with the renewable portfolio standard in the upcoming year.~~

(2)~~(4)~~ Subject to the provisions of this subsection ~~In order to demonstrate the feasibility and viability of clean energy systems~~, the commission shall provide for full cost recovery under the environmental cost-recovery clause of all reasonable and prudent costs incurred by a provider to produce or purchase ~~for~~ renewable energy for purposes of supplying electrical energy to its retail customers ~~projects that are zero greenhouse gas emitting at the point of generation, up to a total of 110 megawatts statewide, and for which the provider has secured necessary land, zoning permits, and transmission rights within the state~~. ~~Such costs shall be deemed reasonable and prudent for purposes of cost recovery so long as the provider has used reasonable and customary industry practices in the design, procurement, and construction of the project in a cost-effective manner appropriate to the location of the facility. The provider shall report to the commission as part of the cost recovery proceedings the construction costs, in-service costs, operating and maintenance costs, hourly energy production of the renewable energy project, and any other information deemed relevant by the commission. Any provider constructing a clean energy facility pursuant to this section shall file for cost recovery no later than July 1, 2009.~~

(a) A provider may petition the commission for recovery of costs to produce or purchase renewable energy, subject to the cost cap in paragraph (c). The provider has sole discretion to determine the type and technology of the renewable energy resource that it intends to use. However, at least 20 percent of the total nameplate capacity for which a provider is permitted to recover costs in any calendar year under this subsection must be produced or purchased from renewable energy sources other than solar energy. No later than when a provider files a petition for cost recovery under this subsection, the provider must file with the commission a schedule of planned production and purchases for the calendar year in which cost recovery is requested. If any portion of the capacity required from nonsolar renewable energy resources is committed but, for reasons found by the commission to be beyond the control of the provider, is not available during the calendar year for which cost recovery is requested, the provider may continue to recover costs to produce or purchase renewable energy from solar energy resources if the provider continues in good faith to pursue the production or purchase of renewable energy from nonsolar resources. The provider has sole discretion to determine whether to construct new renewable energy generating facilities, convert existing fossil fuel generating facilities to renewable energy generating facilities, or contract for the purchase of renewable energy from third-party generating facilities in the state.

(b) In addition to the full cost recovery for such renewable energy projects, a return on equity of at least 50 basis points above the top of the range of the provider's last authorized rate of return on equity approved by the commission for energy projects shall be approved and provided for such renewable energy projects if a majority value of the energy-producing components incorporated into such projects are manufactured or assembled in the state.

(c) For the production or purchase of renewable energy under this subsection, a provider may recover costs up to and in excess of its full avoided cost, as defined in s. 366.051 and approved by the commission, if the recovery of costs in excess of the provider's full avoided cost does not exceed, as a percentage of the provider's total revenues from the retail sale of electricity for calendar year 2009, the total cumulative amount of 2 percent in calendar years 2010 and 2011, the total cumulative amount of 3 percent in calendar year 2012, and the total cumulative amount of 4 percent in calendar year 2013 and thereafter. For purposes of cost recovery under this subsection, costs shall be computed using a methodology that, for a renewable energy generating facility, averages the revenue requirements of the facility over its economic life and, for a renewable energy purchase, averages the revenue requirements of the purchase over the life of the contract.

(d) Cost recovery under this subsection is limited to new construction or conversion projects for which construction is commenced on or after July 1, 2010, and to purchases made on or after that date. All renewable energy projects for which costs are approved by the commission for recovery through the environmental cost recovery clause before July 1, 2010, are not subject to or included in the calculation of the cost cap.

(e) The costs incurred by a provider to produce or purchase renewable energy under this subsection are deemed to be prudent for purposes of cost recovery if the provider uses reasonable and customary industry practices in the design, procurement, and construction of the project in a cost-effective manner for the type of renewable energy resource and appropriate to the location of the facility.

(f) Subject to the cost cap in paragraph (c), the commission shall allow a provider to recover the costs associated with the production or purchase of renewable energy under this subsection as follows:

1. For new renewable energy generating facilities, the commission shall allow recovery of reasonable and prudent costs, including, but not limited to, the siting, licensing, engineering, design, permitting, construction, operation, and maintenance of such facilities, including any applicable taxes and a return based on the provider's last authorized rate of return.

2. For conversion of existing fossil fuel generating facilities to renewable energy generating facilities, the commission shall allow recovery of reasonable and prudent conversion costs, including the costs of retirement of the fossil fuel plant that exceed any amounts accrued by the provider for such purposes through rates previously set by the commission.

3. For purchase of renewable energy from third-party generating facilities in the state, the commission shall allow recovery of reasonable and prudent costs associated with the purchase.

(g) In a proceeding to recover costs incurred under this subsection, a provider must provide the commission all cost information, hourly energy production information, and other information deemed relevant by the commission with respect to each project.

(h) When a provider purchases renewable energy under this subsection at a cost in excess of its full avoided cost, the seller must surrender to the provider all renewable attributes of the renewable energy purchased.

(i) Revenues derived from any renewable energy credit, carbon credit, or other mechanism that attributes value to the production of renewable energy, either existing or hereafter devised, received by a provider by virtue of the production or purchase of renewable energy for which cost recovery is approved under this subsection shall be shared with the provider's ratepayers such that the ratepayers are credited at least 75 percent of such revenues.

(j) Section 403.519 does not apply to a renewable energy generating facility constructed or converted from an existing fossil fuel generating facility under this subsection, and the commission is not required to submit a report for such a project under s. 403.507(4)(a).

(3) Each provider shall, in its 10-year site plan submitted to the commission pursuant to s. 186.801, provide the following information:

(a) The amount of renewable energy resources the provider produces or purchases.

(b) The amount of renewable energy resources the provider plans to produce or purchase over the 10-year planning horizon and the means by which such production or purchases will be achieved.

(c) A statement indicating how the production and purchase of renewable energy resources impact the provider's present and future capacity and energy needs.

(4)~~(5)~~ Each municipal electric utility and rural electric cooperative shall develop standards for the promotion, encouragement, and expansion of the use of renewable energy resources and energy conservation and efficiency measures. On or before April 1, 2009, and annually thereafter, each municipal electric utility and electric cooperative shall submit to the commission a report that identifies such standards.

(5)~~(6)~~ ~~Nothing in~~ This section and any action taken under this section may not ~~shall~~ be construed to impede or impair the terms and conditions of, or serve as a basis for renegotiating or repricing, an existing contract ~~contracts~~.

(6)~~(7)~~ The commission may adopt rules to administer and

T I T L E A M E N D M E N T

Remove lines 6-22 and insert:

creating s. 366.90, F.S.; providing legislative intent relating to renewable energy production of electricity; amending s. 366.91, F.S.; deleting legislative intent provisions to conform to changes made by the act; revising the definition of the terms "biomass"; amending

Rep. McKeel moved the adoption of the amendment.

Rep. Troutman moved that a late-filed amendment to the amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Representative Precourt offered the following:

(Amendment Bar Code: 933003)

Substitute Amendment 1 (with title amendment)—Remove lines 190-686 and insert:

Section 3. Section 366.90, Florida Statutes, is created to read:

366.90 Renewable energy for electricity production.—In furtherance of the energy policy goals established in s. 377.601, the Legislature finds that it is in the public interest to promote the development of renewable energy resources in the state, for purposes of electricity production, through the mechanisms established in ss. 366.91 and 366.92. The Legislature further finds that renewable energy resources have the potential to help diversify fuel types to alleviate the state's growing dependence on natural gas and other fossil fuels for the production of electricity, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make the state a leader in new and innovative technologies.

Section 4. Subsection (1) and paragraph (a) of subsection (2) of section 366.91, Florida Statutes, are amended, and subsections (2) through (8) of that section are renumbered as subsections (1) through (7), respectively, to read:

366.91 Renewable energy.—

~~(1) The Legislature finds that it is in the public interest to promote the development of renewable energy resources in this state. Renewable energy resources have the potential to help diversify fuel types to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies.~~

(1)~~(2)~~ As used in this section, the term:

(a) "Biomass" means a power source that is comprised of, but not limited to, combustible residues or gases from forest products manufacturing, waste, byproducts, or products from agricultural and orchard crops, waste or coproducts from livestock and poultry operations, waste or byproducts from food processing, recycling byproducts, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas.

Section 5. Section 366.92, Florida Statutes, is amended to read:

366.92 Florida renewable energy policy.—

~~(1) It is the intent of the Legislature to promote the development of renewable energy; protect the economic viability of Florida's existing renewable energy facilities; diversify the types of fuel used to generate electricity in Florida; lessen Florida's dependence on natural gas and fuel oil for the production of electricity; minimize the volatility of fuel costs; encourage investment within the state; improve environmental conditions; and, at the same time, minimize the costs of power supply to electric utilities and their customers.~~

(1)~~(2)~~ As used in this section, the term:

~~(a) "Florida renewable energy resources" means renewable energy, as defined in s. 377.803, that is produced in Florida.~~

(a)~~(b)~~ "Provider" means a "utility" as defined in s. 366.8255(1)(a).

(b)~~(c)~~ "Renewable energy" means renewable energy as defined in s. 366.91~~(2)(d)~~ that is produced in the state.

~~(d) "Renewable energy credit" or "REC" means a product that represents the unbundled, separable, renewable attribute of renewable energy produced in Florida and is equivalent to 1 megawatt-hour of electricity generated by a source of renewable energy located in Florida.~~

~~(e) "Renewable portfolio standard" or "RPS" means the minimum percentage of total annual retail electricity sales by a provider to consumers in Florida that shall be supplied by renewable energy produced in Florida.~~

~~(3) The commission shall adopt rules for a renewable portfolio standard requiring each provider to supply renewable energy to its customers directly, by procuring, or through renewable energy credits. In developing the RPS rule, the commission shall consult the Department of Environmental Protection and the Florida Energy and Climate Commission. The rule shall not be implemented until ratified by the Legislature. The commission shall present a draft rule for legislative consideration by February 1, 2009.~~

~~(a) In developing the rule, the commission shall evaluate the current and forecasted levelized cost in cents per kilowatt hour through 2020 and current and forecasted installed capacity in kilowatts for each renewable energy generation method through 2020.~~

~~(b) The commission's rule:~~

~~1. Shall include methods of managing the cost of compliance with the renewable portfolio standard, whether through direct supply or procurement of renewable power or through the purchase of renewable energy credits. The commission shall have rulemaking authority for providing annual cost recovery and incentive-based adjustments to authorized rates of return on common equity to providers to incentivize renewable energy. Notwithstanding s. 366.91(3) and (4), upon the ratification of the rules developed pursuant to this subsection, the commission may approve projects and power sales agreements with renewable power producers and the sale of renewable energy credits needed to comply with the renewable portfolio standard. In the event of any conflict, this subparagraph shall supersede s. 366.91(3) and (4). However, nothing in this section shall alter the obligation of each public utility to continuously offer a purchase contract to producers of renewable energy.~~

~~2. Shall provide for appropriate compliance measures and the conditions under which noncompliance shall be excused due to a determination by the commission that the supply of renewable energy or renewable energy credits was not adequate to satisfy the demand for such energy or that the cost of securing renewable energy or renewable energy credits was cost prohibitive.~~

~~3. May provide added weight to energy provided by wind and solar photovoltaic over other forms of renewable energy, whether directly supplied or procured or indirectly obtained through the purchase of renewable energy credits.~~

~~4. Shall determine an appropriate period of time for which renewable energy credits may be used for purposes of compliance with the renewable portfolio standard.~~

~~5. Shall provide for monitoring of compliance with and enforcement of the requirements of this section.~~

~~6. Shall ensure that energy credited toward compliance with the requirements of this section is not credited toward any other purpose.~~

~~7. Shall include procedures to track and account for renewable energy credits, including ownership of renewable energy credits that are derived from a customer-owned renewable energy facility as a result of any action by~~

~~a customer of an electric power supplier that is independent of a program sponsored by the electric power supplier.~~

~~8. Shall provide for the conditions and options for the repeal or alteration of the rule in the event that new provisions of federal law supplant or conflict with the rule.~~

~~(c) Beginning on April 1 of the year following final adoption of the commission's renewable portfolio standard rule, each provider shall submit a report to the commission describing the steps that have been taken in the previous year and the steps that will be taken in the future to add renewable energy to the provider's energy supply portfolio. The report shall state whether the provider was in compliance with the renewable portfolio standard during the previous year and how it will comply with the renewable portfolio standard in the upcoming year.~~

(2)~~(4)~~ Subject to the provisions of this subsection ~~In order to demonstrate the feasibility and viability of clean energy systems~~, the commission shall provide for full cost recovery under the environmental cost-recovery clause of all reasonable and prudent costs incurred by a provider to produce or purchase ~~for~~ renewable energy for purposes of supplying electrical energy to its retail customers ~~projects that are zero greenhouse gas emitting at the point of generation, up to a total of 110 megawatts statewide, and for which the provider has secured necessary land, zoning permits, and transmission rights within the state~~. ~~Such costs shall be deemed reasonable and prudent for purposes of cost recovery so long as the provider has used reasonable and customary industry practices in the design, procurement, and construction of the project in a cost-effective manner appropriate to the location of the facility. The provider shall report to the commission as part of the cost recovery proceedings the construction costs, in-service costs, operating and maintenance costs, hourly energy production of the renewable energy project, and any other information deemed relevant by the commission. Any provider constructing a clean energy facility pursuant to this section shall file for cost recovery no later than July 1, 2009.~~

(a) A provider may petition the commission for recovery of costs to produce or purchase renewable energy, subject to the cost cap in paragraph (c). The provider has sole discretion to determine the type and technology of the renewable energy resource that it intends to use. However, at least 20 percent of the total nameplate capacity for which a provider is permitted to recover costs in any calendar year under this subsection must be produced or purchased from renewable energy sources other than solar energy. No later than when a provider files a petition for cost recovery under this subsection, the provider must file with the commission a schedule of planned production and purchases for the calendar year in which cost recovery is requested. If any portion of the capacity required from nonsolar renewable energy resources is committed but, for reasons found by the commission to be beyond the control of the provider, is not available during the calendar year for which cost recovery is requested, the provider may continue to recover costs to produce or purchase renewable energy from solar energy resources if the provider continues in good faith to pursue the production or purchase of renewable energy from nonsolar resources. The provider has sole discretion to determine whether to construct new renewable energy generating facilities, convert existing fossil fuel generating facilities to renewable energy generating facilities, or contract for the purchase of renewable energy from third-party generating facilities in the state.

(b) In addition to the full cost recovery for such renewable energy projects, a return on equity of at least 50 basis points above the top of the range of the provider's last authorized rate of return on equity approved by the commission for energy projects shall be approved and provided for such renewable energy projects if a majority value of the energy-producing components incorporated into such projects are manufactured or assembled in the state.

(c) For the production or purchase of renewable energy under this subsection, a provider may recover costs up to and in excess of its full avoided cost, as defined in s. 366.051 and approved by the commission, if the recovery of costs in excess of the provider's full avoided cost does not exceed, as a percentage of the provider's total revenues from the retail sale of electricity for calendar year 2009, the total cumulative amount of 2 percent in calendar years 2010 and 2011, the total cumulative amount of 3 percent in calendar year 2012, and the total cumulative amount of 4 percent in calendar year 2013 and thereafter. For purposes of cost recovery under this subsection, costs shall be computed using a methodology that, for a renewable energy generating facility, averages the revenue requirements of the facility over its economic life and, for a renewable energy purchase, averages the revenue requirements of the purchase over the life of the contract.

(d) Cost recovery under this subsection is limited to new construction or conversion projects for which construction is commenced on or after July 1, 2010, and to purchases made on or after that date. All renewable energy projects for which costs are approved by the commission for recovery through the environmental cost recovery clause before July 1, 2010, are not subject to or included in the calculation of the cost cap.

(e) The costs incurred by a provider to produce or purchase renewable energy under this subsection are deemed to be prudent for purposes of cost recovery if the provider uses reasonable and customary industry practices in the design, procurement, and construction of the project in a cost-effective manner for the type of renewable energy resource and appropriate to the location of the facility.

(f) Subject to the cost cap in paragraph (c), the commission shall allow a provider to recover the costs associated with the production or purchase of renewable energy under this subsection as follows:

1. For new renewable energy generating facilities, the commission shall allow recovery of reasonable and prudent costs, including, but not limited to, the siting, licensing, engineering, design, permitting, construction, operation, and maintenance of such facilities, including any applicable taxes and a return based on the provider's last authorized rate of return.

2. For conversion of existing fossil fuel generating facilities to renewable energy generating facilities, the commission shall allow recovery of reasonable and prudent conversion costs, including the costs of retirement of the fossil fuel plant that exceed any amounts accrued by the provider for such purposes through rates previously set by the commission.

3. For purchase of renewable energy from third-party generating facilities in the state, the commission shall allow recovery of reasonable and prudent costs associated with the purchase. Any petition for approval of a purchased power agreement for renewable energy that is filed with the commission before April 2, 2010, and remains pending on July 1, 2010, shall be considered by the commission to have been filed in accordance with, and shall be subject to the provisions of, this subsection.

(g) In a proceeding to recover costs incurred under this subsection, a provider must provide the commission all cost information, hourly energy production information, and other information deemed relevant by the commission with respect to each project.

(h) When a provider purchases renewable energy under this subsection at a cost in excess of its full avoided cost, the seller must surrender to the provider all renewable attributes of the renewable energy purchased.

(i) Revenues derived from any renewable energy credit, carbon credit, or other mechanism that attributes value to the production of renewable energy, either existing or hereafter devised, received by a provider by virtue of the production or purchase of renewable energy for which cost recovery is approved under this subsection shall be shared with the provider's ratepayers such that the ratepayers are credited at least 75 percent of such revenues.

(j) Section 403.519 does not apply to a renewable energy generating facility constructed or converted from an existing fossil fuel generating facility under this subsection, and the commission is not required to submit a report for such a project under s. 403.507(4)(a).

(3) Each provider shall, in its 10-year site plan submitted to the commission pursuant to s. 186.801, provide the following information:

(a) The amount of renewable energy resources the provider produces or purchases.

(b) The amount of renewable energy resources the provider plans to produce or purchase over the 10-year planning horizon and the means by which such production or purchases will be achieved.

(c) A statement indicating how the production and purchase of renewable energy resources impact the provider's present and future capacity and energy needs.

(4)~~(5)~~ Each municipal electric utility and rural electric cooperative shall develop standards for the promotion, encouragement, and expansion of the use of renewable energy resources and energy conservation and efficiency measures. On or before April 1, 2009, and annually thereafter, each

municipal electric utility and electric cooperative shall submit to the commission a report that identifies such standards.

(5)~~(6) Nothing in~~ This section and any action taken under this section may not ~~shall~~ be construed to impede or impair the terms and conditions of, or serve as a basis for renegotiating or repricing, an existing contract ~~contracts~~.

(6)~~(7)~~ The commission may adopt rules to administer and

T I T L E A M E N D M E N T

Remove lines 6-22 and insert:
creating s. 366.90, F.S.; providing legislative intent relating to renewable energy production of electricity; amending s. 366.91, F.S.; deleting legislative intent provisions to conform to changes made by the act; revising the definition of the terms "biomass"; amending s.

Rep. Precourt moved the adoption of the substitute amendment.

Rep. Troutman moved that a late-filed amendment to the substitute amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Rep. Gibbons moved that a late-filed amendment to the substitute amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Representative Troutman offered the following:

(Amendment Bar Code: 515779)

Amendment 1 to Substitute Amendment 1 (with title amendment)—Remove line 297 and insert:

(6) There is created the Agriculture and Clean Energy Economic Development Pilot Project. In order to promote economic development in the agriculture community by demonstrating the viability of clean energy farming, any energy purchased by a municipal electric utility or a rural electric cooperative from a new electric generating facility with a minimum system efficiency of 75 percent that utilizes waste heat and carbon for the purpose of growing agriculture in greenhouse facilities shall be considered renewable energy for up to 65 megawatts for a single pilot project.

(7) The commission may adopt rules to administer and

T I T L E A M E N D M E N T

Remove line 307 and insert:
the definition of the terms "biomass"; amending s. 366.92, F.S.; establishing the Agriculture and Clean Energy Economic Development Pilot Project; providing that certain electric energy be considered renewable energy under the pilot project; amending s.

Rep. Troutman moved the adoption of the amendment to the substitute amendment, which was adopted.

Rep. T. Williams moved that a late-filed amendment to the substitute amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

The question recurred on the adoption of **Substitute Amendment 1**, which was adopted.

Representative Randolph offered the following:

(Amendment Bar Code: 182787)

Amendment 2 (with title amendment)—Between lines 232 and 233, insert:

Section 4. Section 366.16, Florida Statutes, is created to read:

366.16 Municipal electric utility customers; deposits for electric service.—A municipal electric utility may not require any retail electric customer who has been a retail electric customer of such utility for more than 24 consecutive months at the same service address to pay or maintain a deposit for electric service.

T I T L E A M E N D M E N T

Remove line 8 and insert:
utilities; creating s. 366.16, F.S.; prohibiting a municipal electric utility from requiring retail electric customers to pay or maintain deposits for electric service under certain circumstances; creating s. 366.90, F.S.; providing legislative

Rep. Randolph moved the adoption of the amendment, which failed of adoption.

Representative Murzin offered the following:

(Amendment Bar Code: 515851)

Amendment 3 (with title amendment)—Between lines 687 and 688, insert:

Section 7. Section 403.44, Florida Statutes, is amended to read:

403.44 Florida Climate Protection Act.—

(1) The Legislature finds that it is in the best interest of the state to address carbon emissions through comprehensive national or international measures and that it is contrary to the economic and environmental well-being of the state to pursue or authorize carbon emissions regulation. The Legislature further finds that carbon emissions regulation by the state is inconsistent with the goals of developing an affordable, adequate, and reliable supply of energy ~~document, to the greatest extent practicable, greenhouse gas emissions and to pursue a market-based emissions abatement program, such as cap and trade, to address greenhouse gas emissions reductions~~.

~~(2) As used in this section, the term:~~

~~(a) "Allowance" means a credit issued by the department through allotments or auction which represents an authorization to emit specific amounts of greenhouse gases, as further defined in department rule.~~

~~(b) "Cap and trade" or "emissions trading" means an administrative approach used to control pollution by providing a limit on total allowable emissions, providing for allowances to emit pollutants, and providing for the transfer of the allowances among pollutant sources as a means of compliance with emission limits.~~

~~(c) "Greenhouse gas" or "GHG" means carbon dioxide, methane, nitrous oxide, and fluorinated gases such as hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.~~

~~(d) "Leakage" means the offset of emission abatement that is achieved in one location subject to emission control regulation by increased emissions in unregulated locations.~~

~~(e) "Major emitter" means an electric utility regulated under this chapter.~~

~~(3) A major emitter shall be required to use The Climate Registry for purposes of emission registration and reporting.~~

~~(4) The department shall establish the methodologies, reporting periods, and reporting systems that shall be used when major emitters report to The Climate Registry. The department may require the use of quality-assured data from continuous emissions monitoring systems.~~

(2)~~(5)~~ The department may not adopt rules for a cap-and-trade regulatory program or otherwise regulate carbon ~~to reduce greenhouse gas~~ emissions in this state ~~from major emitters. When developing the rules, the department shall consult with the Florida Energy and Climate Commission and the Florida Public Service Commission and may consult with the Governor's Action Team for Energy and Climate Change. The department shall not adopt rules until after January 1, 2010. The rules shall not become effective until ratified by the Legislature~~.

~~(6) The rules of the cap-and-trade regulatory program shall include, but are not limited to:~~

~~(a) A statewide limit or cap on the amount of greenhouse gases emitted by major emitters.~~

~~(b) Methods, requirements, and conditions for allocating the cap among major emitters.~~

~~(c) Methods, requirements, and conditions for emissions allowances and the process for issuing emissions allowances.~~

~~(d) The relationship between allowances and the specific amounts of greenhouse gas emissions they represent.~~

~~(e) The length of allowance periods and the time over which entities must account for emissions and surrender allowances equal to emissions.~~

~~(f) The timeline of allowances from the initiation of the program through to 2050.~~

~~(g) A process for the trade of allowances between major emitters, including a registry, tracking, or accounting system for such trades.~~

~~(h) Cost containment mechanisms to reduce price and cost risks associated with the electric generation market in this state. Cost containment mechanisms to be considered for inclusion in the rules include, but are not limited to:~~

~~1. Allowing major emitters to borrow allowances from future time periods to meet their greenhouse gas emission limits.~~

~~2. Allowing major emitters to bank greenhouse gas emission reductions in the current year to be used to meet emission limits in future years.~~

~~3. Allowing major emitters to purchase emissions offsets from other entities that produce verifiable reductions in unregulated greenhouse gas emissions or that produce verifiable reductions in greenhouse gas emissions through voluntary practices that capture and store greenhouse gases that otherwise would be released into the atmosphere. In considering this cost containment mechanism, the department shall identify sectors and activities outside of the capped sectors, including other state, federal, or international activities, and the conditions under which reductions there can be credited against emissions of capped entities in place of allowances issued by the department. The department shall also consider potential methods and their effectiveness to avoid double-incentivizing such activities.~~

~~4. Providing a safety valve mechanism to ensure that the market prices for allowances or offsets do not surpass a predetermined level compatible with the affordability of electric utility rates and the well-being of the state's economy. In considering this cost containment mechanism, the department shall evaluate different price levels for the safety valve and methods to change the price level over time to reflect changing state, federal, and international markets, regulatory environments, and technological advancements.~~

~~In considering cost containment mechanisms for inclusion in the rules, the department shall evaluate the anticipated overall effect of each mechanism on the abatement of greenhouse gas emissions and on electricity ratepayers and the benefits and costs of each to the state's economy, and shall also consider the interrelationships between the mechanisms under consideration.~~

~~(i) A process to allow the department to exercise its authority to discourage leakage of GHG emissions to neighboring states attributable to the implementation of this program.~~

~~(j) Provisions for a trial period on the trading of allowances before full implementation of a trading system.~~

~~(7) In recommending and evaluating proposed features of the cap-and-trade system, the following factors shall be considered:~~

~~(a) The overall cost-effectiveness of the cap-and-trade system in combination with other policies and measures in meeting statewide targets.~~

~~(b) Minimizing the administrative burden to the state of implementing, monitoring, and enforcing the program.~~

~~(c) Minimizing the administrative burden on entities covered under the cap.~~

~~(d) The impacts on electricity prices for consumers.~~

~~(e) The specific benefits to the state's economy for early adoption of a cap-and-trade system for greenhouse gases in the context of federal climate change legislation and the development of new international compacts.~~

~~(f) The specific benefits to the state's economy associated with the creation and sale of emissions offsets from economic sectors outside of the emissions cap.~~

~~(g) The potential effects on leakage if economic activity relocates out of the state.~~

~~(h) The effectiveness of the combination of measures in meeting identified targets.~~

~~(i) The implications for near-term periods of long-term targets specified in the overall policy.~~

~~(j) The overall costs and benefits of a cap and trade system to the state economy.~~

~~(k) How to moderate impacts on low-income consumers that result from energy price increases.~~

~~(l) Consistency of the program with other state and possible federal efforts.~~

~~(m) The feasibility and cost-effectiveness of extending the program scope as broadly as possible among emitting activities and sinks in Florida.~~

~~(n) Evaluation of the conditions under which Florida should consider linking its trading system to the systems of other states or other countries and how that might be affected by the potential inclusion in the rule of a safety valve.~~

~~(8) Recognizing that the international, national, and neighboring state policies and the science of climate change will evolve, prior to submitting the proposed rules to the Legislature for consideration, the department shall submit the proposed rules to the Florida Energy and Climate Commission, which shall review the proposed rules and submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the department. The report shall address:~~

~~(a) The overall cost-effectiveness of the proposed cap-and-trade system in combination with other policies and measures in meeting statewide targets.~~

~~(b) The administrative burden to the state of implementing, monitoring, and enforcing the program.~~

~~(c) The administrative burden on entities covered under the cap.~~

~~(d) The impacts on electricity prices for consumers.~~

~~(e) The specific benefits to the state's economy for early adoption of a cap-and-trade system for greenhouse gases in the context of federal climate change legislation and the development of new international compacts.~~

~~(f) The specific benefits to the state's economy associated with the creation and sale of emissions offsets from economic sectors outside of the emissions cap.~~

~~(g) The potential effects on leakage if economic activity relocates out of the state.~~

~~(h) The effectiveness of the combination of measures in meeting identified targets.~~

~~(i) The economic implications for near-term periods of short-term and long-term targets specified in the overall policy.~~

~~(j) The overall costs and benefits of a cap-and-trade system to the economy of the state.~~

~~(k) The impacts on low-income consumers that result from energy price increases.~~

~~(l) The consistency of the program with other state and possible federal efforts.~~

~~(m) The evaluation of the conditions under which the state should consider linking its trading system to the systems of other states or other countries and how that might be affected by the potential inclusion in the rule of a safety valve.~~

~~(n) The timing and changes in the external environment, such as proposals by other states or implementation of a federal program that would spur reevaluation of the Florida program.~~

~~(o) The conditions and options for eliminating the Florida program if a federal program were to supplant it.~~

~~(p) The need for a regular reevaluation of the progress of other emitting regions of the country and of the world, and whether other regions are abating emissions in a commensurate manner.~~

~~(q) The desirability of and possibilities of broadening the scope of the state's cap-and-trade system at a later date to include more emitting activities as well as sinks in Florida, the conditions that would need to be met to do so, and how the program would encourage these conditions to be met, including developing monitoring and measuring techniques for land use emissions and sinks, regulating sources upstream, and other considerations.~~

Section 8. Paragraph (d) of subsection (1) of section 366.8255, Florida Statutes, is amended to read:

366.8255 Environmental cost recovery.—

(1) As used in this section, the term:

(d) "Environmental compliance costs" includes all costs or expenses incurred by an electric utility in complying with environmental laws or regulations, including, but not limited to:

1. Inservice capital investments, including the electric utility's last authorized rate of return on equity thereon.
2. Operation and maintenance expenses.
3. Fuel procurement costs.
4. Purchased power costs.
5. Emission allowance costs.
6. Direct taxes on environmental equipment.
7. Costs or expenses prudently incurred by an electric utility pursuant to an agreement entered into on or after the effective date of this act and prior to October 1, 2002, between the electric utility and the Florida Department of Environmental Protection or the United States Environmental Protection Agency for the exclusive purpose of ensuring compliance with ozone ambient air quality standards by an electrical generating facility owned by the electric utility.
8. Costs or expenses prudently incurred for the quantification, reporting, and third-party verification as required for participation in greenhouse gas emission registries for greenhouse gases ~~as defined in s. 403.44~~. As used in this subparagraph, the term "greenhouse gases" means carbon dioxide, methane, nitrous oxide, and fluorinated gases such as hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.
9. Costs or expenses prudently incurred for scientific research and geological assessments of carbon capture and storage conducted in this state for the purpose of reducing an electric utility's greenhouse gas emissions when such costs or expenses are incurred in joint research projects with Florida state government agencies and Florida state universities.

T I T L E A M E N D M E N T

Between lines 35 and 36, insert:
amending s. 403.44, F.S.; revising legislative intent for the Florida Climate Protection Act; prohibiting the Department of Environmental Protection from adopting a cap-and-trade regulatory program or otherwise regulating carbon emissions in the state; amending s. 366.8255, F.S.; conforming a provision to changes made by the act;

Rep. Murzin moved the adoption of the amendment, which was adopted.

Rep. Holder moved that a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Motion

Rep. Galvano moved that the House revert to the order of business of Bills and Joint Resolutions on Third Reading and take up **CS/CS/CS/HB 621** and **CS/HB 7237**, and then move through the Third Reading Calendar in order. The motion was agreed to.

Bills and Joint Resolutions on Third Reading

CS/CS/CS/HB 621—A bill to be entitled An act relating to credit and debit card crimes; amending s. 501.0117, F.S.; prohibiting a seller or lessor from imposing a surcharge on debit card transactions; defining the term "debit card"; providing nonapplicability to offers of a discount for the purpose of inducing payment by cash, check, or other means not involving the use of a debit card; providing penalties; amending s. 817.60, F.S.; prohibiting possession of a stolen credit or debit card in specified circumstances; providing penalties; providing that a retailer who takes, accepts, retains, or possesses a stolen credit or debit card without knowledge that the card is stolen and who is authorized to process transactions by the company issuing the credit or debit card does not commit a violation under certain circumstances; providing an exception for certain retail employees; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 917

Speaker Cretul in the Chair.

Yeas—106

Adams	Fitzgerald	Lopez-Cantera	Rouson
Ambler	Ford	Mayfield	Sachs
Anderson	Frishe	McBurney	Sands
Aubuchon	Gaetz	McKeel	Saunders
Bembry	Galvano	Murzin	Schenck
Bogdanoff	Garcia	Nehr	Schultz
Bovo	Gibbons	Nelson	Schwartz
Boyd	Gibson	O'Toole	Skidmore
Brandenburg	Glorioso	Pafford	Soto
Braynon	Gonzalez	Patronis	Stargel
Brisé	Grady	Patterson	Steinberg
Bullard	Grimsley	Plakon	Taylor
Burgin	Hays	Planas	Thompson, G.
Bush	Heller	Poppell	Thompson, N.
Cannon	Holder	Porth	Tobia
Carroll	Homan	Precourt	Troutman
Chestnut	Hooper	Proctor	Van Zant
Clarke-Reed	Horner	Rader	Waldman
Coley	Hudson	Randolph	Weatherford
Cretul	Hukill	Ray	Weinstein
Crisafulli	Jenne	Reagan	Williams, A.
Cruz	Jones	Reed	Williams, T.
Domino	Kelly	Rehwinkel Vasilinda	Wood
Dorworth	Kiar	Robaina	Workman
Drake	Legg	Roberson, K.	Zapata
Eisnaugle	Llorente	Roberson, Y.	
Fetterman	Long	Rogers	

Nays—None

Votes after roll call:
Yeas—Abruzzo, Evers, Hasner, Kreegel

So the bill passed, as amended, and was immediately certified to the Senate.

HB 7237 was temporarily postponed.

CS/HB 731—A bill to be entitled An act relating to commercial transactions; amending s. 627.7295, F.S.; revising application of certain provisions relating to motor vehicle insurance contracts; revising and providing provisions of the Uniform Commercial Code relating to electronic documents of title, warehouse receipts, bills of lading, and other documents of title to conform to the revised Article 7 of the Uniform Commercial Code as prepared by the National Conference of Commissioners on Uniform State Laws; amending ss. 668.50 and 671.304, F.S.; correcting cross-references; amending ss. 671.201, 672.103, 672.104, 674.104, 677.102, and 679.1021, F.S.; revising and providing definitions; revising provisions pertaining to definitions applicable to certain provisions of the code, to conform cross-references to revisions made by this act; amending s. 672.310, F.S.; revising time when certain delivery payments are due; amending ss. 559.9232, 672.323, 672.401, 672.503, 672.505, 672.506, 672.509, 672.605, 672.705, 674.2101, 677.201, 677.202, 677.203, 677.205, 677.206, 677.207, 677.208, 677.301, 677.302, 677.304, 677.305, 677.401, 677.402, 677.403, 677.404, 677.502, 677.503, 677.505, 677.506, 677.507, 677.508, 677.509, 677.602, 677.603, 679.2031, 679.2071, 679.3011, 679.3101, 679.3121, 679.3131, 679.3141, 679.3171, 679.338, 680.1031, 680.514, and 680.526, F.S.; revising provisions to conform to changes made by this act; making editorial changes; amending s. 677.103, F.S.; revising and providing application in relation of chapter to treaty, statute, classification, or regulation; amending s. 677.104, F.S.; providing when certain documents of title are nonnegotiable; amending s. 677.105, F.S.; authorizing an issuer of the electronic document to issue a tangible document of title as a substitute for the electronic document under certain conditions; authorizing an issuer of a tangible

document to issue an electronic document of title as a substitute for the tangible document under certain conditions; creating s. 677.106, F.S.; providing when certain persons have control of an electronic document of title; amending s. 677.204, F.S.; revising liability of certain damages; authorizing a warehouse receipt or storage agreement to provide certain requirements; amending s. 677.209, F.S.; revising conditions for a warehouse to establish a lien against a bailor; providing when and against whom the lien is effective; amending s. 677.210, F.S.; revising provisions relating to the enforcement of warehouse's liens; amending s. 677.303, F.S.; prohibiting liability for certain carriers; amending s. 677.307, F.S.; revising conditions under which a carrier has a lien on goods covered by a bill of lading; amending s. 677.308, F.S.; revising provisions relating to the enforcement of a carrier's lien; amending s. 677.309, F.S.; revising provisions relating to the contractual limitation of a carrier's liability; amending s. 677.501, F.S.; providing requirements for negotiable tangible documents of title and negotiable electronic documents of title; amending s. 677.504, F.S.; providing condition under which the rights of the transferee may be defeated; amending s. 677.601, F.S.; revising provisions relating to lost, stolen, or destroyed documents of title; amending s. 678.1031, F.S.; providing that certain documents of title are not financial assets; amending s. 679.2081, F.S.; providing requirements for secured parties having control of an electronic document; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 918

Speaker Cretul in the Chair.

Yeas—110

Abruzzo	Fetterman	Llorente	Rouson
Adams	Fitzgerald	Long	Sachs
Ambler	Flores	Lopez-Cantera	Sands
Anderson	Ford	Mayfield	Saunders
Aubuchon	Frishe	McBurney	Schenck
Bembry	Gaetz	McKeel	Schultz
Bogdanoff	Galvano	Murzin	Schwartz
Bovo	Garcia	Nehr	Skidmore
Boyd	Gibbons	Nelson	Soto
Brandenburg	Gibson	O'Toole	Stargel
Braynon	Glorioso	Pafford	Steinberg
Brisé	Gonzalez	Patronis	Taylor
Bullard	Grady	Patterson	Thompson, G.
Burgin	Grimsley	Plakon	Thompson, N.
Bush	Hasner	Planas	Thurston
Cannon	Hays	Poppell	Tobia
Carroll	Heller	Porth	Troutman
Chestnut	Holder	Precourt	Van Zant
Clarke-Reed	Homan	Proctor	Waldman
Coley	Hooper	Rader	Weatherford
Cretul	Horner	Ray	Weinstein
Crisafulli	Hudson	Reagan	Williams, A.
Cruz	Hukill	Reed	Williams, T.
Domino	Jenne	Rehwinkel Vasilinda	Wood
Dorworth	Jones	Robaina	Workman
Drake	Kelly	Roberson, K.	Zapata
Eisnaugle	Kiar	Roberson, Y.	
Evers	Legg	Rogers	

Nays—None

Votes after roll call:
Yeas—Kreegel

So the bill passed, as amended, and was immediately certified to the Senate.

CS/HB 393—A bill to be entitled An act relating to public records; creating s. 341.3026, F.S.; providing an exemption from public records requirements for personal identifying information held by a public transit provider for the purpose of facilitating the prepayment of transit fares or the acquisition of a prepaid transit fare card or similar device; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 919

Speaker Cretul in the Chair.

Yeas—106

Adams	Flores	Lopez-Cantera	Sachs
Ambler	Ford	Mayfield	Sands
Anderson	Frishe	McBurney	Saunders
Aubuchon	Gaetz	McKeel	Schenck
Bembry	Galvano	Murzin	Schultz
Bogdanoff	Garcia	Nehr	Schwartz
Bovo	Gibbons	Nelson	Skidmore
Boyd	Gibson	O'Toole	Soto
Brandenburg	Glorioso	Pafford	Stargel
Braynon	Gonzalez	Patronis	Steinberg
Brisé	Grady	Patterson	Taylor
Bullard	Grimsley	Plakon	Thompson, G.
Burgin	Hasner	Planas	Thompson, N.
Bush	Hays	Poppell	Thurston
Cannon	Heller	Porth	Tobia
Carroll	Homan	Precourt	Troutman
Chestnut	Hooper	Proctor	Van Zant
Clarke-Reed	Horner	Rader	Waldman
Coley	Hudson	Randolph	Weatherford
Crisafulli	Hukill	Ray	Weinstein
Cruz	Jenne	Reed	Williams, A.
Domino	Jones	Rehwinkel Vasilinda	Williams, T.
Dorworth	Kelly	Robaina	Wood
Drake	Kiar	Roberson, K.	Workman
Evers	Legg	Roberson, Y.	Zapata
Fetterman	Llorente	Rogers	
Fitzgerald	Long	Rouson	

Nays—None

Votes after roll call:
Yeas—Cretul, Eisnaugle, Kreegel

So the bill passed, as amended, by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate.

Motion

Rep. Galvano moved that the House advance to the order of business of House Resolutions and take up **HR 9035**. The motion was agreed to.

House Resolutions

On motion by Rep. McBurney, the House agreed to read HR 9035 the second time by title.

HR 9035—A resolution recognizing the outstanding public service and lifetime achievements of Mallory E. Horne.

WHEREAS, Mallory E. Horne was born in Tavares, Florida, on April 17, 1925, and

WHEREAS, Mallory E. Horne graduated from Leon High School in Tallahassee and immediately enlisted in the United States Army Air Corps to fight in World War II, and

WHEREAS, after the war, Mallory E. Horne continued to serve in the United States Air Force and Air Force Reserve and was honorably discharged at the rank of captain, and

WHEREAS, Mallory E. Horne attended the University of Florida, where he served as chancellor of the Honor Corps and, in 1949, was elected president of the senior class, and

WHEREAS, Mallory E. Horne began the practice of law, opening his own firm in Tallahassee, and was elected statewide president of the Junior Bar of Florida, and

WHEREAS, while still in his twenties, Mallory E. Horne was elected to the Florida House of Representatives, where his leadership abilities were immediately recognized and he enjoyed a rapid rise to prominence, culminating with his election as Speaker of the House of Representatives, and

WHEREAS, upon leaving the House of Representatives, Mallory E. Horne was elected to the Florida Senate, where, in 1973-1974, he served as Senate President, becoming the only person since Reconstruction to serve in both offices, and

WHEREAS, as a legislator, Mallory E. Horne was known for his spellbinding orations and his willingness to take principled and sometimes unpopular stands, and

WHEREAS, while Mallory E. Horne's entire legislative body of work is worthy of recognition, three of his greatest accomplishments were the implementation of fair legislative apportionment, the complete executive reorganization of all three branches of government, and his tireless efforts to retain Tallahassee as the state capital, and

WHEREAS, Mallory E. Horne served as a member on the first Constitution Advisory Commission, as Special Counsel to the Department of Agriculture and the Florida Senate, and as chairman of the Public Employees Relations Commission, and

WHEREAS, throughout his career as a high-profile lawyer, Mallory E. Horne gave generously of his time and energy in providing pro bono legal assistance to low-income individuals and supporting the work of volunteer legal service organizations, and

WHEREAS, Mallory E. Horne passed away on April 30, 2009, leaving a distinguished legacy of public service, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes and celebrates the unparalleled legislative service of Mallory E. Horne in the Florida House of Representatives and the Florida Senate and honors his commitment to public service.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mrs. Mary Lou Horne as a tangible token of the sentiments expressed herein.

—was read the second time by title and adopted.

On motion by Rep. McBurney, the board was opened [Session Vote Sequence: 920] and the following members were recorded as cosponsors of the resolution, along with Rep. McBurney: Reps. Abruzzo, Adams, Ambler, Anderson, Aubuchon, Bembry, Bogdanoff, Bovo, Boyd, Brandenburg, Braynon, Brisé, Bullard, Burgin, Bush, Cannon, Carroll, Chestnut, Clarke-Reed, Coley, Cretul, Crisafulli, Cruz, Domino, Dorworth, Drake, Eisnaugle, Evers, Fetterman, Fitzgerald, Flores, Ford, Frishe, Gaetz, Galvano, Garcia, Gibbons, Gibson, Glorioso, Gonzalez, Grady, Grimsley, Hasner, Hays, Heller, Holder, Homan, Hooper, Horner, Hudson, Hukill, Jenne, Jones, Kelly, Legg, Llorente, Long, Lopez-Cantera, Mayfield, McKeel, Murzin, Nehr, Nelson, O'Toole, Pafford, Patronis, Patterson, Plakon, Planas, Poppell, Porth, Precourt, Proctor, Rader, Randolph, Ray, Reagan, Reed, Rehwinkel Vasilinda, Robaina, K. Roberson, Y. Roberson, Rogers, Sachs, Sands, Saunders, Schenck, Schultz, Schwartz, Skidmore, Soto, Stargel, Steinberg, Taylor, G. Thompson, N. Thompson, Thurston, Tobia, Troutman, Van Zant, Waldman, Weatherford, Weinstein, A. Williams, T. Williams, Wood, Workman, and Zapata.

Motion

Rep. Galvano moved that the House revert to the order of business of Bills and Joint Resolutions on Third Reading and take up **HB 7237** and any remaining bills on Third Reading Calendar. The motion was agreed to.

Bills and Joint Resolutions on Third Reading

HB 7237—A bill to be entitled An act relating to postsecondary education; amending s. 110.181, F.S.; conforming a cross-reference to changes made by the act; amending ss. 112.19 and 112.191, F.S.; requiring the Board of Governors of the State University System to adopt regulations rather than rules to implement certain educational benefits; amending s. 120.81, F.S.; providing that state universities are not required to file certain documents with the Administrative Procedures Committee; amending s. 282.0041, F.S.; revising definitions relating to information technology services to conform to changes made by the act; amending s. 282.703, F.S.; revising provisions relating to the participation of state universities in the SUNCOM Network; amending s. 282.706, F.S.; revising provisions relating to the use of the SUNCOM Network by state university libraries; amending s. 287.064, F.S.; conforming a cross-reference to changes made by the act; amending s. 1000.05, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to discrimination; amending s. 1001.705, F.S.; revising provisions relating to responsibility for the State University System under the State Constitution; deleting legislative findings and intent; providing the constitutional duties of the Board of Governors; providing the constitutional duties of the Legislature; deleting a duty relating to the participation of state universities in the SUNCOM Network; amending s. 1001.706, F.S.; revising powers and duties of the Board of Governors; providing that the Board of Governors has the authority to regulate the State University System and may adopt a regulation development procedure for the board and university boards of trustees to use in implementing their constitutional duties and responsibilities; authorizing the Board of Governors or its designee to adopt regulations; providing requirements for the regulation development procedure; providing requirements for judicial review of certain challenges; revising the Board of Governors' powers and duties relating to accountability and personnel; providing legislative intent that the Board of Governors align the missions of universities with certain factors; providing requirements for a mission alignment and strategic plan; affording opportunities to certain universities; amending s. 1001.72, F.S.; providing that the board of trustees is the university's contracting agent; creating s. 1004.015, F.S.; creating the Higher Education Coordinating Council; providing for membership; providing guiding principles for council recommendations to the Legislature, State Board of Education, and Board of Governors; amending s. 1004.03, F.S.; revising provisions relating to review and approval of new programs at state universities by the Board of Governors; requiring an annual report of the review of proposed new programs; eliminating the requirement that certain programs be approved by the Legislature; amending s. 1004.07, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to student withdrawal from courses due to military service; amending s. 1006.54, F.S.; requiring university boards of trustees to adopt regulations rather than rules relating to documents distributed to libraries; amending s. 1006.60, F.S.; revising provisions relating to state university codes of conduct to authorize the adoption of regulations rather than rules; amending s. 1006.65, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to safety issues in courses offered by state universities; amending ss. 1007.264 and 1007.265, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to admission and graduation requirements for students with disabilities; amending s. 1009.24, F.S.; reorganizing certain provisions of law relating to state university student fees; authorizing the Board of Governors to approve flexible tuition policies requested by a university board of trustees; providing that certain fees be based on reasonable costs of services and used for certain purposes; authorizing the Board of Governors to approve a proposal from a university board of trustees to establish a new student fee, increase the cap for an existing fee, or implement flexible tuition policies; providing guidelines for review of proposals; requiring an annual report; prohibiting certain fees from exceeding a specified amount, being included in certain scholarship awards, and being used for certain purposes; requiring a fee committee to make recommendations relating to a new fee; providing restrictions on fee increases; requiring the Board of Governors to adopt regulations; amending s. 1009.26, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to fee waivers; amending s. 1010.04, F.S.; providing that the Board of Governors shall adopt regulations rather than rules for purchases and leases; amending s. 1010.62, F.S.; defining the term "auxiliary enterprise" for purposes of revenue bonds and debt; amending s. 1011.43, F.S.; requiring university boards of trustees to adopt regulations rather than rules for

administration of certain scholarships and loans; amending s. 1011.90, F.S.; revising provisions relating to management information maintained by the Board of Governors; amending s. 1013.02, F.S.; requiring the Board of Governors to adopt regulations rather than rules to implement provisions of law relating to educational facilities; amending s. 1013.10, F.S.; authorizing regulations for the use of educational buildings and grounds; amending ss. 1013.12 and 1013.28, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to firesafety inspections and disposal of real property; amending s. 1013.30, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to university campus master plans; amending s. 1013.31, F.S.; requiring the Board of Governors to adopt regulations rather than rules for determining facility space needs; amending s. 1013.47, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to building standards; amending s. 1013.74, F.S.; authorizing the Board of Governors to adopt regulations rather than rules relating to authorization for fixed capital outlay projects; repealing s. 1001.74, F.S., relating to powers and duties of university boards of trustees; repealing s. 1004.21, F.S., relating to general provisions for state universities; repealing s. 1004.22(13), F.S., relating to rulemaking by a university board of trustees with respect to divisions of sponsored research; repealing s. 1004.38, F.S., relating to the master of science program in speech-language pathology at Florida International University; repealing s. 1004.381, F.S., relating to the bachelor of science nursing degree program at the University of West Florida; repealing s. 1004.3811, F.S., relating to the master of science degree programs in nursing and social work at the University of West Florida; repealing s. 1004.382, F.S., relating to the master's in social work program at Florida Atlantic University; repealing s. 1004.383, F.S., relating to a chiropractic medicine degree program at Florida State University; repealing s. 1004.386, F.S., relating to a bachelor of science degree program in long-term care administration at Florida Gulf Coast University; repealing s. 1004.64, F.S., relating to the School of Engineering at Florida Gulf Coast University and specified bachelor's degrees; providing legislative intent for the repeal of certain sections; requiring each state university to identify and submit to the Board of Governors a list of certain rules that have been superseded by regulations; providing for submission of such rules and certain rules of the Board of Governors to the Department of State; authorizing the Department of State to remove rules from the Florida Administrative Code; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 921

Speaker Cretul in the Chair.

Yeas—109

Abruzzo	Dorworth	Hudson	Proctor
Adams	Drake	Hukill	Rader
Ambler	Eisnaugle	Jenne	Randolph
Anderson	Evers	Jones	Ray
Aubuchon	Fetterman	Kelly	Reagan
Bembry	Fitzgerald	Kiar	Reed
Bogdanoff	Flores	Legg	Rehwinkel Vasilinda
Bovo	Ford	Llorente	Robaina
Boyd	Frishe	Long	Roberson, K.
Brandenburg	Gaetz	Lopez-Cantera	Roberson, Y.
Braynon	Galvano	Mayfield	Rogers
Brisé	Garcia	McBurney	Rouson
Bullard	Gibbons	McKeel	Sachs
Burgin	Glorioso	Murzin	Sands
Bush	Gonzalez	Nehr	Saunders
Cannon	Grady	Nelson	Schenck
Carroll	Grimsley	O'Toole	Schultz
Chestnut	Hasner	Pafford	Schwartz
Clarke-Reed	Hays	Patronis	Skidmore
Coley	Heller	Patterson	Soto
Cretul	Holder	Plakon	Stargel
Crisafulli	Homan	Planas	Steinberg
Cruz	Hooper	Porth	Taylor
Domino	Horner	Precourt	Thompson, G.
Thompson, N.	Van Zant	Williams, A.	Zapata
Thurston	Waldman	Williams, T.	
Tobia	Weatherford	Wood	
Troutman	Weinstein	Workman	

Nays—None

Votes after roll call:
Yeas—Kreegel, Poppell

So the bill passed, as amended, and was immediately certified to the Senate.

CS/HB 1363—A bill to be entitled An act relating to postsecondary student fees; amending s. 1009.25, F.S.; clarifying an exemption from fee requirements provided for a student who is or was at the time he or she reached 18 years of age in the custody of a relative under the Relative Caregiver Program or who was adopted from the Department of Children and Family Services after a specified date; providing that certain exemptions include fees associated with enrollment in career-preparatory instruction; deleting an exemption associated with completion of the college-level communication and computation skills testing program; providing that the exemptions remain valid for a specified time; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 922

Speaker Cretul in the Chair.

Yeas—110

Abruzzo	Fetterman	Llorente	Rouson
Adams	Fitzgerald	Long	Sachs
Ambler	Flores	Lopez-Cantera	Sands
Anderson	Ford	Mayfield	Saunders
Aubuchon	Frishe	McBurney	Schenck
Bembry	Gaetz	McKeel	Schultz
Bogdanoff	Galvano	Murzin	Schwartz
Bovo	Garcia	Nehr	Skidmore
Boyd	Gibbons	Nelson	Soto
Brandenburg	Gibson	Pafford	Stargel
Braynon	Glorioso	Patronis	Steinberg
Brisé	Gonzalez	Patterson	Taylor
Bullard	Grady	Plakon	Thompson, G.
Burgin	Grimsley	Planas	Thompson, N.
Bush	Hasner	Poppell	Thurston
Cannon	Hays	Porth	Tobia
Carroll	Heller	Precourt	Troutman
Chestnut	Holder	Proctor	Van Zant
Clarke-Reed	Homan	Rader	Waldman
Coley	Hooper	Randolph	Weatherford
Cretul	Horner	Ray	Weinstein
Crisafulli	Hudson	Reagan	Williams, A.
Cruz	Hukill	Reed	Williams, T.
Domino	Jenne	Rehwinkel Vasilinda	Wood
Dorworth	Jones	Robaina	Workman
Drake	Kelly	Roberson, K.	Zapata
Eisnaugle	Kiar	Roberson, Y.	
Evers	Legg	Rogers	

Nays—None

Votes after roll call:
Yeas—Kreegel, O'Toole

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Burgin, **CS/CS/CS/HB 631** was temporarily postponed.

CS/HB 1059—A bill to be entitled An act relating to public records; creating s. 517.2016, F.S.; providing an exemption from public records

requirements for information that would reveal examination techniques and procedures used by the Office of Financial Regulation pursuant to the Florida Securities and Investor Protection Act; providing a definition; providing for retroactive application of the public record exemption; providing an exception to the exemption for other governmental entities having oversight or regulatory or law enforcement authority; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 923

Speaker Cretul in the Chair.

Yeas—109

Abruzzo	Fetterman	Long	Sachs
Adams	Fitzgerald	Lopez-Cantera	Sands
Ambler	Flores	Mayfield	Saunders
Anderson	Ford	McBurney	Schenck
Aubuchon	Frishe	McKeel	Schultz
Bembry	Gaetz	Murzin	Schwartz
Bogdanoff	Galvano	Nehr	Skidmore
Bovo	Garcia	Nelson	Soto
Boyd	Gibbons	O'Toole	Stargel
Brandenburg	Gibson	Pafford	Steinberg
Braynon	Glorioso	Patronis	Taylor
Brisé	Gonzalez	Patterson	Thompson, G.
Bullard	Grady	Plakon	Thompson, N.
Burgin	Grimsley	Planas	Thurston
Bush	Hasner	Porth	Tobia
Cannon	Heller	Precourt	Troutman
Carroll	Holder	Proctor	Van Zant
Chestnut	Homan	Rader	Waldman
Clarke-Reed	Hooper	Randolph	Weatherford
Coley	Horner	Ray	Weinstein
Cretul	Hudson	Reagan	Williams, A.
Crisafulli	Hukill	Reed	Williams, T.
Cruz	Jenne	Rehwinkel Vasilinda	Wood
Domino	Jones	Robaina	Workman
Dorworth	Kelly	Roberson, K.	Zapata
Drake	Kiar	Roberson, Y.	
Eisnaugle	Legg	Rogers	
Evers	Llorente	Rouson	

Nays—None

Votes after roll call:
Yeas—Hays, Kreegel, Poppell

So the bill passed by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate.

CS/HB 637—A bill to be entitled An act relating to the admissions tax; amending s. 212.04, F.S.; expanding an exemption from the tax for certain sports championship or all-star games, certain other professional sporting events, and certain professional sport sponsored events; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 924

Speaker Cretul in the Chair.

Yeas—107

Abruzzo	Bovo	Cannon	Cruz
Adams	Boyd	Carroll	Domino
Ambler	Brandenburg	Chestnut	Dorworth
Anderson	Braynon	Clarke-Reed	Drake
Aubuchon	Brisé	Coley	Eisnaugle
Bembry	Burgin	Cretul	Evers
Bogdanoff	Bush	Crisafulli	Fetterman
Fitzgerald	Hukill	Poppell	Schwartz
Flores	Jenne	Porth	Skidmore
Ford	Jones	Precourt	Soto
Frishe	Kelly	Proctor	Stargel
Gaetz	Kiar	Rader	Steinberg
Galvano	Llorente	Randolph	Taylor
Garcia	Long	Ray	Thompson, G.
Gibbons	Lopez-Cantera	Reagan	Thompson, N.
Glorioso	Mayfield	Reed	Tobia
Gonzalez	McBurney	Rehwinkel Vasilinda	Troutman
Grady	McKeel	Robaina	Van Zant
Grimsley	Murzin	Roberson, K.	Waldman
Hasner	Nehr	Roberson, Y.	Weatherford
Hays	Nelson	Rogers	Weinstein
Heller	O'Toole	Rouson	Williams, A.
Holder	Pafford	Sachs	Williams, T.
Homan	Patronis	Sands	Wood
Hooper	Patterson	Saunders	Workman
Horner	Plakon	Schenck	Zapata
Hudson	Planas	Schultz	

Nays—4

Bullard	Gibson	Legg	Thurston

Votes after roll call:
Yeas—Kreegel
Yeas to Nays—Rehwinkel Vasilinda, Schwartz

So the bill passed and was immediately certified to the Senate.

CS/CS/CS/HB 665—A bill to be entitled An act relating to affordable housing; amending s. 20.055, F.S.; revising the definition of "state agency" to include the Florida Housing Finance Corporation; revising the definition of "agency head" to include the board of directors of the corporation; requiring the inspector general to prepare an annual report; amending s. 159.608, F.S.; providing a housing finance authority with an additional purpose for which it may exercise its power to borrow; amending s. 163.3177, F.S.; revising provisions relating to the elements of local comprehensive plans to authorize the inclusion of an element for affordable housing for certain seniors; providing for the disposition of real property by a local government for the development of affordable housing; amending s. 201.15, F.S.; revising the allocation of certain proceeds distributed from the excise tax on documents that are paid into the State Treasury to the credit of the State Housing Trust Fund; providing for retroactive repeal of s. 8, ch. 2009-131, Laws of Florida, to eliminate a conflicting version of s. 201.15, F.S.; amending s. 420.0003, F.S.; including the needs of persons with special needs in the state housing strategy's periodic review and report; amending s. 420.0004, F.S.; defining the terms "disabling condition" and "person with special needs"; conforming cross-references; amending s. 420.0006, F.S.; removing an obsolete reference; deleting provisions requiring the inspector general of the Department of Community Affairs to perform functions for the corporation to conform to changes made by the act; amending s. 420.504, F.S.; authorizing the Secretary of Community Affairs to designate a senior-level agency employee to serve on the board of directors of the Florida Housing Finance Corporation; amending s. 420.506, F.S.; providing for the appointment of an inspector general of the Florida Housing Finance Corporation; providing appointing authority thereof; providing duties and responsibilities of the inspector general; amending s. 420.507, F.S.; requiring certain rates of interest to be made available to sponsors of projects for persons with special needs; providing additional powers of the corporation relating to receipt of federal funds; revising powers of the corporation relating to criteria establishing a preference for eligible developers and general contractors; conforming a cross-reference; amending s. 420.5087, F.S.; limiting the reservation of funds within each notice of fund availability to the persons with special needs tenant group; including persons with special needs as a tenant group for specified purposes of the State Apartment Incentive Loan Program; revising and providing criteria to be used by a specified review committee for the competitive ranking of applications for such program; conforming a cross-reference; amending ss. 163.31771, 212.08, 215.5586, and 420.503, F.S.;

conforming cross-references; providing legislative intent; prohibiting funds from the State Housing Trust Fund or the Local Government Housing Trust Fund that are appropriated for specified programs from being used for certain purposes; providing for future repeal; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 925

Speaker Cretul in the Chair.

Yeas—107

Abruzzo	Fetterman	Long	Rouson
Adams	Fitzgerald	Lopez-Cantera	Sachs
Ambler	Flores	Mayfield	Sands
Anderson	Ford	McBurney	Saunders
Aubuchon	Frishe	McKeel	Schenck
Bembry	Gaetz	Murzin	Schultz
Bogdanoff	Garcia	Nehr	Schwartz
Bovo	Gibbons	Nelson	Skidmore
Boyd	Gibson	O'Toole	Soto
Brandenburg	Glorioso	Pafford	Stargel
Braynon	Gonzalez	Patronis	Steinberg
Brisé	Grady	Patterson	Taylor
Bullard	Hasner	Planas	Thompson, G.
Burgin	Hays	Poppell	Thompson, N.
Bush	Heller	Porth	Thurston
Carroll	Holder	Precourt	Tobia
Chestnut	Homan	Proctor	Troutman
Clarke-Reed	Hooper	Rader	Van Zant
Coley	Horner	Randolph	Waldman
Cretul	Hudson	Ray	Weatherford
Crisafulli	Hukill	Reagan	Weinstein
Cruz	Jenne	Reed	Williams, A.
Domino	Jones	Rehwinkel Vasilinda	Williams, T.
Dorworth	Kelly	Robaina	Wood
Drake	Kiar	Roberson, K.	Workman
Eisnaugle	Legg	Roberson, Y.	Zapata
Evers	Llorente	Rogers	

Nays—None

Votes after roll call:
Yeas—Galvano, Grimsley, Kreegel

So the bill passed, as amended, and was immediately certified to the Senate.

CS/CS/CS/HB 311—A bill to be entitled An act relating to debt settlement services; providing a directive to the Division of Statutory Revision; creating s. 559.101, F.S.; providing a short title; creating s. 559.102, F.S.; providing definitions; creating s. 559.103, F.S.; providing the powers of the Office of Financial Regulation; creating s. 559.104, F.S.; authorizing the Financial Services Commission to adopt rules; creating s. 559.105, F.S.; providing exceptions from the applicability of provisions regulating debt settlement services; providing an exception for attorneys representing clients; creating s. 559.106, F.S.; requiring debt settlement organizations to be registered with the office; providing a registration fee; requiring background screening of applicants and control persons; providing grounds for registration issuance or denial; requiring annual renewal; creating s. 559.107, F.S.; requiring registration renewal; creating s. 559.108, F.S.; requiring a debt settlement organization to obtain certain insurance coverage and a surety bond and to provide proof of such bond to the office; creating s. 559.109, F.S.; requiring a debt settlement organization to maintain records; creating s. 559.111, F.S.; requiring a debt settlement organization to prepare a financial analysis for the debtor; providing for service contracts; requiring certain provisions to be included in such contracts; requiring the debt settlement organization to provide the debtor with copies of all signed documents; creating s. 559.112, F.S.; prohibiting certain acts by debt settlement organizations; providing penalties; creating s. 559.113, F.S.; providing for debtor complaints to the office; providing procedures and office duties, including administrative penalties; creating s. 559.114, F.S.; providing for the issuance of subpoenas by the office; creating s. 559.115, F.S.; authorizing the office to issue cease and desist orders; creating s. 559.116, F.S.; declaring that violations of the part are deceptive and unfair trade practices; providing administrative penalties; specifying violations that result in criminal penalties; amending s. 516.07, F.S.; conforming a cross-reference; repealing ss. 559.10, 559.11, 559.12, and 559.13, F.S., relating to budget planning; providing an appropriation and authorizing additional positions; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 926

Speaker Cretul in the Chair.

Yeas—110

Abruzzo	Fetterman	Llorente	Rouson
Adams	Fitzgerald	Long	Sachs
Ambler	Flores	Lopez-Cantera	Sands
Anderson	Ford	Mayfield	Saunders
Aubuchon	Frishe	McBurney	Schenck
Bembry	Gaetz	McKeel	Schultz
Bogdanoff	Galvano	Murzin	Schwartz
Bovo	Garcia	Nehr	Skidmore
Boyd	Gibbons	Nelson	Soto
Brandenburg	Gibson	O'Toole	Stargel
Braynon	Glorioso	Pafford	Steinberg
Brisé	Gonzalez	Patronis	Taylor
Bullard	Grady	Patterson	Thompson, G.
Burgin	Grimsley	Plakon	Thompson, N.
Bush	Hasner	Planas	Thurston
Cannon	Hays	Poppell	Tobia
Carroll	Heller	Porth	Troutman
Chestnut	Holder	Precourt	Van Zant
Clarke-Reed	Homan	Proctor	Waldman
Coley	Hooper	Rader	Weatherford
Cretul	Horner	Randolph	Weinstein
Crisafulli	Hudson	Ray	Williams, A.
Cruz	Hukill	Reagan	Williams, T.
Domino	Jenne	Reed	Wood
Dorworth	Jones	Robaina	Workman
Drake	Kelly	Roberson, K.	Zapata
Eisnaugle	Kiar	Roberson, Y.	
Evers	Legg	Rogers	

Nays—None

Votes after roll call:
Yeas—Kreegel

So the bill passed, as amended, and was immediately certified to the Senate.

CS/CS/HB 325—A bill to be entitled An act relating to uniform traffic control; providing a short title; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0076, F.S.; preempting to the state the use of cameras to enforce traffic laws; amending s. 316.008, F.S.; authorizing counties and municipalities to use traffic infraction detectors under certain circumstances; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program; authorizing the Department of Highway Safety and Motor Vehicles, a county, or a municipality to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring authorization of a traffic infraction enforcement officer to issue and enforce a citation for such violation; requiring notification to be sent to the registered owner of the motor vehicle involved in the violation; requiring the notification to include certain information about the owner's right to review evidence; providing requirements for the notification; providing for collection of penalties; providing for distribution of penalties collected; providing that an individual may not receive a commission or per-ticket fee from any revenue collected from violations detected through the use of a traffic infraction detector and a manufacturer or vendor may not receive a fee or remuneration based upon the

number of citations issued providing procedures for issuance, disposition, and enforcement of citations; providing for exemptions; providing that certain evidence is admissible for enforcement; providing penalties for submission of a false affidavit; prohibiting the use of such detectors to enforce a violation when a driver fails to stop prior to making a right or left turn; providing that the act does not preclude the issuance of citations by law enforcement officers; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and Legislature; amending s. 316.0745, F.S.; revising a provision that requires certain remotely operated traffic control devices to meet certain specifications; creating s. 316.07456, F.S.; requiring traffic infraction detectors to meet specifications established by the Department of Transportation; providing that a traffic infraction detector acquired by purchase, lease, or other arrangement under an agreement entered into by a county or municipality on or before a specified date is not required to meet the established specifications until a specified date; creating s. 316.0776, F.S.; providing for the placement and installation of detectors on certain roads when permitted by and under the specifications of the department; requiring that if the state, county, or municipality installs a traffic infraction detector at an intersection, the state, county, or municipality shall notify the public that a traffic infraction device may be in use at that intersection; requiring that such signage posted at the intersection meet the specifications for uniform signals and devices adopted by the Department of Transportation; requiring that traffic infraction detectors meet specifications established by the Department of Transportation; requiring a public awareness campaign if such detectors are to be used; amending s. 316.640, F.S.; requiring the Department of Transportation to develop training and qualification standards for traffic infraction enforcement officers; authorizing counties and municipalities to use independent contractors as traffic infraction enforcement officers; amending s. 316.650, F.S.; requiring a traffic enforcement officer to provide to the court a replica of the citation data by electronic transmission under certain conditions; amending s. 318.14, F.S.; providing an exception from provisions requiring a person cited for an infraction for failing to stop at a traffic control signal steady red light to sign and accept a citation indicating a promise to appear; amending s. 318.18, F.S.; increasing certain fines; providing for penalties for infractions enforced by a traffic infraction enforcement officer; providing for distribution of fines; allowing the clerk of court to dismiss certain cases upon receiving documentation that the uniform traffic citation was issued in error; providing that an individual may not receive a commission or per-ticket fee from any revenue collected from violations detected through the use of a traffic infraction detector and a manufacturer or vendor may not receive a fee or remuneration based upon the number of citations issued; creating s. 321.50, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to use traffic infraction detectors under certain circumstances; amending s. 322.27, F.S.; providing that no points may be assessed against the driver's license for infractions enforced by a traffic infraction enforcement officer; providing that infractions enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates; providing for severability; providing an effective date.

—was read the third time by title.

Representative Reagan offered the following:

(Amendment Bar Code: 387985)

Amendment 2 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. This act may be cited as the "Mark Wandall Traffic Safety Act."

Section 2. Subsection (86) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(86) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 316.0083(1)(b) or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

Section 3. Section 316.0076, Florida Statutes, is created to read:

316.0076 Regulation and use of cameras.—Regulation of the use of cameras for enforcing the provisions of this chapter is expressly preempted to the state. The regulation of the use of cameras for enforcing the provisions of this chapter is not required to comply with provisions of chapter 493.

Section 4. Subsection (7) is added to section 316.008, Florida Statutes, to read:

316.008 Powers of local authorities.—

(7)(a) A county or municipality may use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal on streets and highways under their jurisdiction under s. 316.0083. Only a municipality may install or authorize the installation of any such detectors within the incorporated area of the municipality. Only a county may install or authorize the installation of any such detectors within the unincorporated area of the county.

(b) Pursuant to paragraph (a), a municipality may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the incorporated area of the municipality, and a county may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the unincorporated area of the county. A county may authorize installation of any such detectors by interlocal agreement on roads under its jurisdiction.

Section 5. Section 316.0083, Florida Statutes, is created to read:

316.0083 Mark Wandall Traffic Safety Program; administration; report.—

(1)(a) For purposes of administering this section, the department, a county, or a municipality may authorize a traffic infraction enforcement officer under s. 316.640 to issue a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. A notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible. This paragraph does not prohibit a review of information from a traffic infraction detector by an authorized employee or agent of the department, a county, or a municipality before issuance of the traffic citation by the traffic infraction enforcement officer. This paragraph does not prohibit the department, a county, or a municipality from issuing notification as provided in paragraph (b) to the registered owner of the motor vehicle involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

(b)1.a. Within 30 days after a violation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14 and that the violator must pay the penalty of $158 to the department, county, or municipality, or furnish an affidavit in accordance with paragraph (d), within 30 days following the date of the notification in order to avoid court fees, costs, and the issuance of a traffic citation. The notification shall be sent by first-class mail.

b. Included with the notification to the registered owner of the motor vehicle involved in the infraction must be a notice that the owner has the right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

2. Penalties assessed and collected by the department, county, or municipality authorized to collect the funds provided for in this paragraph, less the amount retained by the county or municipality pursuant to subparagraph 3., shall be paid to the Department of Revenue weekly. Payment by the department, county, or municipality to the state shall be made by means of electronic funds transfers. In addition to the payment, summary detail of the penalties remitted shall be reported to the Department of Revenue.

3. Penalties to be assessed and collected by the department, county, or municipality are as follows:

a. One hundred fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal if enforcement is by the department's traffic infraction enforcement officer. One hundred dollars shall be remitted to the Department of Revenue for deposit into the General Revenue Fund, $10 shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund, $3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and $45 shall be distributed to the municipality in which the violation occurred, or, if the violation occurred in an unincorporated area, to the county in which the violation occurred. Funds deposited into the Department of Health Administrative Trust Fund under this sub-subparagraph shall be distributed as provided in s. 395.4036(1). Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research.

b. One hundred fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal if enforcement is by a county or municipal traffic infraction enforcement officer. Seventy dollars shall be remitted by the county or municipality to the Department of Revenue for deposit into the General Revenue Fund, $10 shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund, $3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and $75 shall be retained by the county or municipality enforcing the ordinance enacted pursuant to this section. Funds deposited into the Department of Health Administrative Trust Fund under this sub-subparagraph shall be distributed as provided in s. 395.4036(1). Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research.

4. An individual may not receive a commission from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector.

(c)1.a. A traffic citation issued under this section shall be issued by mailing the traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation when payment has not been made within 30 days after notification under subparagraph (b)1.

b. Delivery of the traffic citation constitutes notification under this paragraph.

c. In the case of joint ownership of a motor vehicle, the traffic citation shall be mailed to the first name appearing on the registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used.

d. The traffic citation shall be mailed to the registered owner of the motor vehicle involved in the violation no later than 60 days after the date of the violation.

2. Included with the notification to the registered owner of the motor vehicle involved in the infraction shall be a notice that the owner has the right to review, either in person or remotely, the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

(d)1. The owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal, unless the owner can establish that:

a. The motor vehicle passed through the intersection in order to yield right-of-way to an emergency vehicle or as part of a funeral procession;

b. The motor vehicle passed through the intersection at the direction of a law enforcement officer;

c. The motor vehicle was, at the time of the violation, in the care, custody, or control of another person; or

d. A uniform traffic citation was issued by a law enforcement officer to the driver of the motor vehicle for the alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.

2. In order to establish such facts, the owner of the motor vehicle shall, within 30 days after the date of issuance of the traffic citation, furnish to the appropriate governmental entity an affidavit setting forth detailed information supporting an exemption as provided in this paragraph.

a. An affidavit supporting an exemption under sub-subparagraph 1.c. must include the name, address, date of birth, and, if known, the driver's license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the vehicle was stolen at the time of the alleged offense, the affidavit must include the police report indicating that the vehicle was stolen.

b. If a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.

3. Upon receipt of an affidavit, the person designated as having care, custody, and control of the motor vehicle at the time of the violation may be issued a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing proof that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased vehicle for which a traffic citation is issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal is not responsible for paying the traffic citation and is not required to submit an affidavit as specified in this subsection if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

4. The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The photographic or electronic images or streaming video attached to or referenced in the traffic citation is evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal has occurred and is admissible in any proceeding to enforce this section and raises a rebuttable presumption that the motor vehicle named in the report or shown in the photographic or electronic images or streaming video evidence was used in violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal.

(2) A notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible.

(3) This section supplements the enforcement of s. 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers when a driver fails to stop at a traffic signal and does not prohibit a law enforcement officer from issuing a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal in accordance with normal traffic enforcement techniques.

(4)(a) Each county or municipality that operates a traffic infraction detector shall submit a report by October 1, 2012, and annually thereafter, to the department which details the results of using the traffic infraction detector and the procedures for enforcement for the preceding state fiscal year. The information submitted by the counties and municipalities must include statistical data and information required by the department to complete the report required under paragraph (b).

(b) On or before December 31, 2012, and annually thereafter, the department shall provide a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the use and operation of traffic infraction detectors under this section, along with the department's recommendations and any necessary legislation. The summary report must include a review of the information submitted to the department by the counties and municipalities and must describe the enhancement of the traffic safety and enforcement programs.

Section 6. Subsection (6) of section 316.0745, Florida Statutes, is amended to read:

316.0745 Uniform signals and devices.—

(6) Any system of traffic control devices controlled and operated from a remote location by electronic computers or similar devices must ~~shall~~ meet all

requirements established for the uniform system, and, if ~~where~~ such a system affects ~~systems affect~~ the movement of traffic on state roads, the design of the system shall be reviewed and approved by the Department of Transportation.

Section 7. Section 316.07456, Florida Statutes, is created to read:

316.07456 Transitional implementation.—Any traffic infraction detector deployed on the highways, streets, and roads of this state must meet specifications established by the Department of Transportation, and must be tested at regular intervals according to specifications prescribed by the Department of Transportation. The Department of Transportation must establish such specifications on or before December 31, 2010. However, any such equipment acquired by purchase, lease, or other arrangement under an agreement entered into by a county or municipality on or before July 1, 2011, or equipment used to enforce an ordinance enacted by a county or municipality on or before July 1, 2011, is not required to meet the specifications established by the Department of Transportation until July 1, 2011.

Section 8. Section 316.0776, Florida Statutes, is created to read:

316.0776 Traffic infraction detectors; placement and installation.—

(1) Traffic infraction detectors are allowed on state roads when permitted by the Department of Transportation and under placement and installation specifications developed by the Department of Transportation. Traffic infraction detectors are allowed on streets and highways under the jurisdiction of counties or municipalities in accordance with placement and installation specifications developed by the Department of Transportation.

(2)(a) If the department, county, or municipality installs a traffic infraction detector at an intersection, the department, county, or municipality shall notify the public that a traffic infraction device may be in use at that intersection and must specifically include notification of camera enforcement of violations concerning right turns. Such signage used to notify the public must meet the specifications for uniform signals and devices adopted by the Department of Transportation pursuant to s. 316.0745.

(b) If the department, county, or municipality begins a traffic infraction detector program in a county or municipality that has never conducted such a program, the respective department, county, or municipality shall also make a public announcement and conduct a public awareness campaign of the proposed use of traffic infraction detectors at least 30 days before commencing the enforcement program.

Section 9. Paragraph (b) of subsection (1) and subsection (5) of section 316.640, Florida Statutes, are amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(b)1. The Department of Transportation has authority to enforce on all the streets and highways of this state all laws applicable within its authority.

2.a. The Department of Transportation shall develop training and qualifications standards for toll enforcement officers whose sole authority is to enforce the payment of tolls pursuant to s. 316.1001. Nothing in this subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall a toll enforcement officer have arrest authority.

b. For the purpose of enforcing s. 316.1001, governmental entities, as defined in s. 334.03, which own or operate a toll facility may employ independent contractors or designate employees as toll enforcement officers; however, any such toll enforcement officer must successfully meet the training and qualifications standards for toll enforcement officers established by the Department of Transportation.

3. For the purpose of enforcing s. 316.0083, the department may designate employees as traffic infraction enforcement officers. A traffic infraction enforcement officer must successfully complete instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but may not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. This subparagraph does not authorize the carrying of firearms or other weapons by a traffic infraction enforcement officer and does not authorize a traffic infraction enforcement officer to make arrests. The department's traffic infraction enforcement officers must be physically located in the state.

(5)(a) Any sheriff's department or police department of a municipality may employ, as a traffic infraction enforcement officer, any individual who successfully completes instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. Any such traffic infraction enforcement officer who observes the commission of a traffic infraction or, in the case of a parking infraction, who observes an illegally parked vehicle may issue a traffic citation for the infraction when, based upon personal investigation, he or she has reasonable and probable grounds to believe that an offense has been committed which constitutes a noncriminal traffic infraction as defined in s. 318.14. In addition, any such traffic infraction enforcement officer may issue a traffic citation under s. 316.0083. For purposes of enforcing s. 316.0083, any sheriff's department or police department of a municipality may designate employees as traffic infraction enforcement officers. The traffic infraction enforcement officers must be physically located in the county of the respective sheriff's or police department.

(b) The traffic infraction enforcement officer shall be employed in relationship to a selective traffic enforcement program at a fixed location or as part of a crash investigation team at the scene of a vehicle crash or in other types of traffic infraction enforcement under the direction of a fully qualified law enforcement officer; however, it is not necessary that the traffic infraction enforcement officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

(c) This subsection does not permit the carrying of firearms or other weapons, nor do traffic infraction enforcement officers have arrest authority other than the authority to issue a traffic citation as provided in this subsection.

Section 10. Subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3)(a) Except for a traffic citation issued pursuant to s. 316.1001 or s. 316.0083, each traffic enforcement officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any municipality or town, shall deposit the original traffic citation or, in the case of a traffic enforcement agency that has an automated citation issuance system, the chief administrative officer shall provide by an electronic transmission a replica of the citation data to a court having jurisdiction over the alleged offense or with its traffic violations bureau within 5 days after issuance to the violator.

(b) If a traffic citation is issued pursuant to s. 316.1001, a traffic enforcement officer may deposit the original traffic citation or, in the case of a traffic enforcement agency that has an automated citation system, may provide by an electronic transmission a replica of the citation data to a court having jurisdiction over the alleged offense or with its traffic violations bureau within 45 days after the date of issuance of the citation to the violator. If the person cited for the violation of s. 316.1001 makes the election provided by s. 318.14(12) and pays the $25 fine, or such other amount as imposed by the governmental entity owning the applicable toll facility, plus the amount of the unpaid toll that is shown on the traffic citation directly to the governmental entity that issued the citation, or on whose behalf the citation was issued, in accordance with s. 318.14(12), the traffic citation will not be submitted to the court, the disposition will be reported to the department by the governmental entity that issued the citation, or on whose behalf the citation was issued, and no points will be assessed against the person's driver's license.

(c) If a traffic citation is issued under s. 316.0083, the traffic infraction enforcement officer shall provide by electronic transmission a replica of the traffic citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within 5 days after the date of issuance of the traffic citation to the violator.

Section 11. Subsection (2) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(2) Except as provided in ss. ~~s.~~ 316.1001(2) and 316.0083, any person cited for an infraction under this section must sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing and must indicate the applicable civil penalty established in s. 318.18.

Section 12. Subsection (15) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(15)(a)1. One hundred fifty-eight ~~twenty-five~~ dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a law enforcement officer. Sixty dollars shall be distributed as provided in s. 318.21, $30 shall be distributed to the General Revenue Fund, $3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and the remaining $65 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund of the Department of Health.

2. One hundred and fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by the department's traffic infraction enforcement officer. One hundred dollars shall be remitted to the Department of Revenue for deposit into the General Revenue Fund, $45 shall be distributed to the county for any violations occurring in any unincorporated areas of the county or to the municipality for any violations occurring in the incorporated boundaries of the municipality in which the infraction occurred, $10 shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund for distribution as provided in s. 395.4036(1), and $3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund.

3. One hundred and fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a county's or municipality's traffic infraction enforcement officer. Seventy five dollars shall be distributed to the county or municipality issuing the traffic citation, $70 shall be remitted to the Department of Revenue for deposit into the General Revenue Fund, $10 shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund for distribution as provided in s. 395.4036(1), and $3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund.

(b) Amounts deposited into the Brain and Spinal Cord Injury Trust Fund pursuant to this subsection shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research.

(c) If a person who is cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic infraction enforcement officer under s. 316.0083, presents documentation from the appropriate governmental entity that the traffic citation was in error, the clerk of court may dismiss the case. The clerk of court shall not charge for this service.

(d) An individual may not receive a commission or per-ticket fee from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector.

(e) Funds deposited into the Department of Health Administrative Trust Fund under this subsection shall be distributed as provided in s. 395.4036(1).

Section 13. Section 321.50, Florida Statutes, is created to read:

321.50 Authorization to use traffic infraction detectors.—The Department of Highway Safety and Motor Vehicles is authorized to use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop on state roads as defined in chapter 316 which are under the original jurisdiction of the Department of Transportation, when permitted by the Department of Transportation, and under s. 316.0083.

Section 14. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.

2. Leaving the scene of a crash resulting in property damage of more than $50—6 points.

3. Unlawful speed resulting in a crash—6 points.

4. Passing a stopped school bus—4 points.

5. Unlawful speed:

a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.

b. In excess of 15 miles per hour of lawful or posted speed—4 points.

6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points. However, no points shall be imposed for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer. In addition, a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.

7. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(12).

8. Any moving violation covered above, excluding unlawful speed, resulting in a crash—4 points.

9. Any conviction under s. 403.413(6)(b)—3 points.

10. Any conviction under s. 316.0775(2)—4 points.

Section 15. The Department of Highway Safety and Motor Vehicles or any county or municipality authorized to issue a notification and impose a penalty under s. 316.0083(1)(b), Florida Statutes, that collects any such penalty after the effective date of this act, but prior to notification by the Department of Revenue of its ability to receive and distribute the penalties collected, must retain the portion of the penalty required to be remitted to the Department of Revenue until the Department of Highway Safety and Motor Vehicles, county, or municipality is notified by the Department of Revenue that it is able to receive and distribute the retained funds. The portion of the penalty required to be remitted to the Department of Revenue for any penalty collected after such notification is provided to the Department of Highway Safety and Motor Vehicles, county, or municipality must be remitted to the Department of Revenue as provided in s. 316.0083, Florida Statutes. This section shall take effect upon this act becoming a law.

Section 16. For the 2009-2010 state fiscal year, the sum of $100,000 in nonrecurring funds from the General Revenue Fund is appropriated to the Department of Revenue for the purpose of implementing the provisions of this act. Any unexpended funds from this appropriation shall be reappropriated for fiscal year 2010-2011. This section shall take effect upon this act becoming a law.

Section 17. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 18. Except as otherwise expressly provided in this act, and except for this section which shall take effect upon this act becoming a law, this act shall take effect July 1, 2010.

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to uniform traffic control; providing a short title; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0076, F.S.; preempting to the state the use of cameras to enforce traffic laws; amending s. 316.008, F.S.; authorizing counties and municipalities to use traffic infraction detectors under certain circumstances; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program; authorizing the Department of Highway Safety and Motor Vehicles, a county, or a municipality to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring authorization of a traffic infraction enforcement officer to issue and enforce a citation for such violation; requiring notification to be sent to the registered owner of the motor vehicle involved in the violation; requiring the notification to include certain information about the owner's right to review evidence; providing requirements for the notification; providing for collection of penalties; providing for distribution of penalties collected; providing that an individual may not receive a commission or per-ticket fee from any revenue collected from violations detected through the use of a traffic infraction detector and a manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector; providing procedures for issuance, disposition, and enforcement of citations; providing for exemptions; providing that certain evidence is admissible for enforcement; providing penalties for submission of a false affidavit; prohibiting the use of such detectors to enforce a violation when a driver fails to stop prior to making a right or left turn; providing that the act does not preclude the issuance of citations by law enforcement officers; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and Legislature; amending s. 316.0745, F.S.; revising a provision that requires certain remotely operated traffic control devices to meet certain specifications; creating s. 316.07456, F.S.; requiring traffic infraction detectors to meet specifications established by the Department of Transportation; providing that a traffic infraction detector acquired by purchase, lease, or other arrangement under an agreement entered into by a county or municipality on or before a specified date is not required to meet the established specifications until a specified date; creating s. 316.0776, F.S.; providing for the placement and installation of detectors on certain roads when permitted by and under the specifications of the department; requiring that if the state, county, or municipality installs a traffic infraction detector at an intersection, the state, county, or municipality shall notify the public that a traffic infraction device may be in use at that intersection; requiring that such signage posted at the intersection meet the specifications for uniform signals and devices adopted by the Department of Transportation; requiring that traffic infraction detectors meet specifications established by the Department of Transportation; requiring a public awareness campaign if such detectors are to be used; amending s. 316.640, F.S.; requiring the Department of Transportation to develop training and qualification standards for traffic infraction enforcement officers; authorizing counties and municipalities to use independent contractors as traffic infraction enforcement officers; amending s. 316.650, F.S.; requiring a traffic enforcement officer to provide to the court a replica of the citation data by electronic transmission under certain conditions; amending s. 318.14, F.S.; providing an exception from provisions requiring a person cited for an infraction for failing to stop at a traffic control signal steady red light to sign and accept a citation indicating a promise to appear; amending s. 318.18, F.S.; increasing certain fines; providing for penalties for infractions enforced by a traffic infraction enforcement officer; providing for distribution of fines; allowing the clerk of court to dismiss certain cases upon receiving documentation that the uniform traffic citation was issued in error; providing that an individual may not receive a commission or per-ticket fee from any revenue collected from violations detected through the use of a traffic infraction detector and a manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector; creating s. 321.50, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to use traffic infraction detectors under certain circumstances; amending s. 322.27, F.S.; providing that no points may be assessed against the driver's license for infractions enforced by a traffic infraction enforcement officer; providing that infractions enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates; requiring the retention of certain penalty proceeds collected prior to the Department of Revenue's ability to receive and distribute such funds; providing an appropriation and for carryforward of any unexpended balance; providing for severability; providing effective dates.

Rep. Reagan moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/CS/HB 325. The vote was:

Session Vote Sequence: 927

Speaker Cretul in the Chair.

Yeas—77

Abruzzo	Fitzgerald	Llorente	Saunders
Ambler	Flores	Long	Schultz
Anderson	Ford	Murzin	Schwartz
Aubuchon	Frishe	Nehr	Skidmore
Bogdanoff	Galvano	Nelson	Soto
Bovo	Gibbons	Pafford	Steinberg
Brandenburg	Gibson	Porth	Taylor
Braynon	Glorioso	Precourt	Thompson, G.
Brisé	Gonzalez	Proctor	Thompson, N.
Bullard	Hays	Rader	Thurston
Burgin	Heller	Randolph	Tobia
Cannon	Homan	Reagan	Van Zant
Carroll	Hooper	Reed	Waldman
Chestnut	Horner	Rehwinkel Vasilinda	Weinstein
Clarke-Reed	Hudson	Roberson, K.	Williams, A.
Cretul	Hukill	Roberson, Y.	Williams, T.
Cruz	Jenne	Rogers	Wood
Domino	Jones	Rouson	
Eisnaugle	Kelly	Sachs	
Fetterman	Kiar	Sands	

Nays—33

Adams	Gaetz	McKeel	Schenck
Bembry	Garcia	O'Toole	Stargel
Boyd	Grady	Patronis	Troutman
Bush	Grimsley	Patterson	Weatherford
Coley	Hasner	Plakon	Workman
Crisafulli	Legg	Planas	Zapata
Dorworth	Lopez-Cantera	Poppell	
Drake	Mayfield	Ray	
Evers	McBurney	Robaina	

Votes after roll call:
Nays—Kreegel

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Motion to Adjourn

Rep. Cannon moved that the House, after receiving reports, adjourn for the purpose of holding council and committee meetings and conducting other House business, to reconvene at 10:00 a.m., Monday, April 26, 2010, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 25.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HJR 37, by the required Constitutional three-fifths vote of all members elected to the Senate.

R. Philip Twogood, Secretary

The above joint resolution was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 53.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 91.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for HB 159.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 317.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 573.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 661.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 765.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 787.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 821.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 885.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 951.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 985.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1013.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1377.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1581.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7089.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7117, by the required Constitutional two-thirds vote of all members present.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7119, by the required Constitutional two-thirds vote of all members present.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Bullard:

Yeas—April 22: 888

Rep. Grimsley:

Yeas—April 22: 897

Rep. Hays:

Yeas—April 22: 874

Rep. Holder:

Nays to Yeas—April 22: 890

Rep. Jones:

Yeas—April 21: 830, 834, 836

Rep. Kreegel:

Yeas—April 22: 897

Rep. Rader:

Yeas—April 22: 873

Rep. Schwartz:

Yeas to Nays—April 22: 884

Rep. Tobia:

Yeas—April 22: 897

Rep. A. Williams:

Nays—April 8: 744

Rep. T. Williams:

Yeas—April 21: 868; April 22: 897

Nays—April 21: 867

First-named Sponsors

CS/HB 195—Flores

Cosponsors

HB 7—Kelly

HJR 39—Ford

CS/CS/HB 325—Hooper, Rogers

HB 387—Reagan

CS/HB 467—Abruzzo

HB 525—Chestnut, Patronis, Steinberg

CS/CS/HB 623—Mayfield

CS/CS/CS/CS/HB 663—Rogers

CS/CS/CS/HB 665—Y. Roberson, Steinberg

CS/HB 765—Eisnaugle

CS/CS/CS/HB 963—Burgin, Ford, Rogers

CS/CS for HB 1073 & HB 81—Abruzzo

CS/HB 1113—Coley

CS/HB 1197—Rogers

CS/HB 1363—Jones, Rogers

HR 9127—Van Zant, Zapata

HR 9131—Zapata

House Resolutions Adopted by Publication

At the request of Rep. Porth—

HR 9011—A resolution designating May 2010 as "Amyotrophic Lateral Sclerosis Awareness Month" in Florida.

WHEREAS, Amyotrophic Lateral Sclerosis (ALS), better known as Lou Gehrig's Disease, is a progressive neurodegenerative disease that affects nerve cells in the brain and spinal cord, and

WHEREAS, the early symptoms of ALS include weakness of the skeletal muscles, especially involving the arms and legs, and difficulty swallowing, talking, and breathing, and

WHEREAS, ALS eventually causes muscles to atrophy and the patient becomes a functional quadriplegic, and

WHEREAS, because ALS does not affect a person's mental capacity, a person with ALS remains alert and aware of his or her loss of motor functions and the inevitability of continued deterioration and death, and

WHEREAS, the average survival rate for a person with ALS is 3 to 5 years after the diagnosis, and

WHEREAS, research indicates that military veterans are at least 50 percent more likely to develop ALS than those who have not served in the military, and

WHEREAS, ALS has no known cause, means of prevention, or cure, and

WHEREAS, the designation of an "Amyotrophic Lateral Sclerosis Awareness Month" will increase public awareness of the circumstances of ALS patients and the terrible impact of this disease on the patient, the patient's family, and the community in which they live and will increase support for biomedical research on ALS to find the cause or causes of ALS, understand the mechanisms involved in the progression of the disease, and develop effective treatment, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That May 2010 is designated as "Amyotrophic Lateral Sclerosis Awareness Month" in the State of Florida.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Jones—

HR 9029—A resolution recognizing Alpha Kappa Alpha Sorority, Inc.

WHEREAS, Alpha Kappa Alpha Sorority, Inc., was founded at Howard University in Washington, D.C., in 1908, and

WHEREAS, this Greek letter organization is the first sorority established by African American college women, and

WHEREAS, Alpha Kappa Alpha Sorority, Inc., is an international organization that has about 250,000 members in more than 900 chapters in the United States, the Bahamas, Bermuda, Great Britain, Germany, Korea, and the Virgin Islands, and

WHEREAS, many of these chapters are located in communities and on college and university campuses in Florida, and

WHEREAS, Alpha Kappa Alpha Sorority, Inc., is committed to community service and has made numerous contributions to the educational, civic, and social lives of Floridians, and

WHEREAS, Alpha Kappa Alpha Sorority, Inc., continues its support of the international program, "The SPIRIT of AKA," the acronym and concept for Sisterhood, Service, Partnership, Innovation, Respect, Involvement, and Technology, and

WHEREAS, bound by its humanitarianism and credo of service that extends to all mankind, Alpha Kappa Alpha Sorority, Inc., is playing a role in the relief efforts for the citizens of Haiti in the wake of the recent catastrophic earthquake, and

WHEREAS, Ella Springs Jones is the Centennial South Atlantic Regional Director of this great sisterhood and leads members of the sorority in Florida, Georgia, and South Carolina, and

WHEREAS, Representative Mia Jones, Representative Jennifer Carroll, and Representative Geraldine Thompson are members of Alpha Kappa Alpha Sorority, Inc., and

WHEREAS, members of the Alpha Kappa Alpha Sorority, Inc., in Florida contribute thousands of volunteer hours implementing service programs in their respective communities, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the members of the Florida House of Representatives recognize the commitment of members of Alpha Kappa Alpha Sorority, Inc., to worldwide service and express special appreciation for their service in Florida.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Nehr—

HR 9043—A resolution recognizing October 2010 as "Domestic Violence Awareness Month."

WHEREAS, domestic violence touches the lives of Americans of all ages, leaving a devastating impact on women, men, and children of every background and circumstance, and

WHEREAS, a family's home becomes a place of fear, hopelessness, and desperation when a person is battered by her or his partner or a child witnesses the abuse of a loved one, and

WHEREAS, victims of violence often suffer in silence, not knowing where to turn, with little or no guidance and support, and

WHEREAS, there are almost 200 homicides and over 113,000 total criminal offenses annually attributed to domestic violence in this state, and

WHEREAS, Florida has 42 certified domestic violence shelters that provided services to more than 14,500 victims of domestic violence and their children in 2008, and

WHEREAS, during this month, we rededicate ourselves to addressing the horrific crime of domestic violence and pledge our commitment to end domestic violence in Florida, recognizing that domestic violence can be prevented, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That October 2010 is recognized as "Domestic Violence Awareness Month" in the State of Florida, and the Florida House of Representatives calls upon the people of Florida, especially local police chiefs, sheriffs, judges, state attorneys, representatives from area domestic violence centers, and other interested citizens, to observe Domestic Violence Awareness Month through activities and ceremonies that seek to increase the accountability and change the behavior of the people in our communities who abuse their partners and their children.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Ambler—

HR 9091—A resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week.

WHEREAS, multiple sclerosis can impact people of all ages, races, and ethnicities, and

WHEREAS, more than 400,000 Americans live with multiple sclerosis, and

WHEREAS, approximately 2,500,000 people worldwide have been diagnosed with multiple sclerosis, and

WHEREAS, every hour of every day, someone is diagnosed with multiple sclerosis, and

WHEREAS, it is estimated that between 8,000 and 10,000 children and adolescents are living with multiple sclerosis, and

WHEREAS, the exact cause of multiple sclerosis is still unknown, and

WHEREAS, the symptoms of multiple sclerosis are unpredictable and vary from person to person, and

WHEREAS, there is no single diagnostic laboratory test available for multiple sclerosis, and

WHEREAS, multiple sclerosis is not contagious or directly inherited, but studies show there are genetic factors that indicate certain individuals are susceptible to the disease, and

WHEREAS, multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying the myelin and replacing it with scar tissue, thereby interfering with or preventing the transmission of nerve signals, and

WHEREAS, in rare cases multiple sclerosis is so progressive it is fatal, and

WHEREAS, there is no known cure for multiple sclerosis, and

WHEREAS, the National Multiple Sclerosis Society and other organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis recognize and celebrate Multiple Sclerosis Awareness Week during one week in March every calendar year, and

WHEREAS, the National Multiple Sclerosis Society is a collective of passionate individuals who want to do something now about multiple sclerosis, and

WHEREAS, this year National Multiple Sclerosis Awareness Week is recognized during the week of March 8-14, 2010, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives of the State of Florida:

(1) Supports the goals and ideals of Multiple Sclerosis Awareness Week.

(2) Encourages media organizations to participate in Multiple Sclerosis Awareness Week and help educate the public about multiple sclerosis.

(3) Commends the goals and ideals of Multiple Sclerosis Awareness Week.

(4) Commends the National Multiple Sclerosis Society's commitment to combating multiple sclerosis by promoting awareness about its causes and risks and by promoting new education programs, supporting research, and expanding access to medical treatment.

(5) Recognizes all people in Florida living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those so afflicted and continue to work to find cures and improve treatments.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Reagan—

HR 9113—A resolution designating May 13, 2010, as "Florida Employer Support of the Guard and Reserve Day."

WHEREAS, Employer Support of the Guard and Reserve (ESGR) is a Department of Defense organization whose committee members volunteer their time in support of the men and women of the National Guard and reserves, their families, and their employers, and

WHEREAS, the ESGR seeks to promote a culture in which employers throughout the nation support and place appropriate value upon the military service of their employees as they defend our nation and provide for our national security, and

WHEREAS, ESGR was established in 1972 as an agency of the United States Department of Defense and is funded by the department, and

WHEREAS, the organization constantly endeavors to gain and maintain employer support for National Guard and reserve service by recognizing outstanding support of such servicemembers and increasing awareness of the importance of that support, and

WHEREAS, the Florida ESGR committee provides support to the 37,000 reserve members who serve in the Air National Guard, Air Force Reserve, Army National Guard, Army Reserve, Coast Guard Reserve, Marine Corp Reserve, and Navy Reserve, and

WHEREAS, in 2009, the more than 130 volunteers of the Florida ESGR committee worked a total of 8,782 hours to accomplish various tasks in support of the state's National Guard members and reservists, and

WHEREAS, supportive employers are critical to maintaining the strength and readiness of our National Guard and reserve units and ESGR is an invaluable resource for both employers and the National Guard and military reserve members that works for them, and

WHEREAS, employers and members of ESGR are provided assistance by volunteers across the state under the authority of the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), and

WHEREAS, volunteers assist employers and members of ESGR in familiarizing themselves with the resources and services that ESGR provides and encourage members and employers to take advantage of this information and assistance should the need ever arise, and

WHEREAS, ESGR's employer outreach volunteers provide information, education, and services for employers through programs across the state, and

WHEREAS, ESGR also has an awards program designed to acknowledge the efforts of employers to support their military employees, and

WHEREAS, ESGR's military outreach volunteers provide National Guard and military reserve members with important information about their rights and responsibilities under USERRA and about ESGR programs and services, and

WHEREAS, ESGR-trained volunteer ombudsmen provide information, confidential counseling, and neutral mediation relating to compliance with USERRA requirements, and

WHEREAS, Florida employer support for the National Guard and reserve honors our courageous guardsmen and reservists, the continued support of whom is vital to the success of our Armed Forces and to the strength of the nation, and

WHEREAS, it is essential not only to maintain employer support for members of the Florida National Guard and military reserves by recognizing outstanding contributions and efforts by employers, increasing awareness of the laws that support Florida National Guard and military reserve service, and resolving conflicts through mediation, it is equally essential to continually strive to increase such support, and

WHEREAS, it is fitting and appropriate for the Florida House of Representatives to express its full support for the Florida Employer Support for the Guard and Reserve organization and, in furtherance of that support, designate a day in honor of the organization and its volunteers, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives of the State of Florida designates May 13, 2010, as "Florida Employer Support of the Guard and Reserve Day."

BE IT FURTHER RESOLVED that the House of Representatives of the State of Florida urges all Floridians to learn more about the Florida Employer Support for the Guard and Reserve organization and the resources and services it provides, and to take advantage of the information and assistance offered by the organization in support of the members of the Florida National Guard and the military reserves and their employers in the State of Florida.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Hays—

HR 9115—A resolution recognizing Jimmie Johnson for his achievements in the sport of stock car racing and for his humanitarian efforts through the Jimmie Johnson Foundation.

WHEREAS, Jimmie Johnson was born on September 17, 1975, in El Cajon, California, and began his career racing motorcycles at the age of five, and

WHEREAS, in 1998, Jimmie Johnson joined the American Speed Association racing circuit, thereafter began racing stock cars in the NASCAR Nationwide Series, and by 2000 was a full-time NASCAR Nationwide Series driver, and

WHEREAS, in 2002, Jimmie Johnson started racing stock cars full time in the Sprint Cup Series, NASCAR's premier series, and

WHEREAS, behind the wheel of owner Rick Hendrick's #48 Lowe's/ Kobalt Tools Chevrolet Impala SS, NASCAR Sprint Cup driver Jimmie Johnson won four consecutive NASCAR Sprint Cup Series Championships in 2006, 2007, 2008, and 2009, and

WHEREAS, in 2006, Jimmie Johnson established the Jimmie Johnson Foundation, which has since raised more than $3 million to assist children, families, and communities in need throughout the United States, and

WHEREAS, the Jimmie Johnson Foundation has helped save tens of thousands of lives through blood and marrow drives and by assisting individuals in being added to the National Marrow Donor Program Registry, and

WHEREAS, Jimmie Johnson was named the 2009 Associated Press Male Athlete of the Year, and

WHEREAS, Florida and its residents enjoy a special bond with NASCAR, as the state is home to NASCAR's headquarters in Daytona Beach, the Daytona International Speedway, and the Homestead-Miami Speedway and serves as host to three annual NASCAR Sprint Cup Series events, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That it is fitting that 2009 NASCAR Sprint Cup Series Champion Jimmie Johnson is recognized for his hard work and excellence in the sport of stock car racing and for his invaluable humanitarian efforts through the Jimmie Johnson Foundation.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Jimmie Johnson as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Zapata—

HR 9121—A resolution recognizing Pedro J. Greer, Jr., M.D., as an outstanding humanitarian, physician, professor, and author.

WHEREAS, Dr. Pedro J. Greer's passion for health care and social justice has inspired him to establish clinics that provide health services to the homeless and the disadvantaged, and

WHEREAS, Dr. Greer founded the Camillus Health Concern, which provides medical care to more than 10,000 homeless and low-income patients a year in the City of Miami, and the St. John Bosco Clinic, which provides basic primary medical care to disadvantaged children and adults, many of whom are poor undocumented immigrants, in the Little Havana community, and

WHEREAS, Dr. Greer is the Assistant Dean of Academic Affairs at the Florida International University School of Medicine and runs his own private practice of Gastroenterology at Mercy Hospital, and

WHEREAS, Dr. Greer has served as an advisor to President Bill Clinton and President George H. W. Bush, currently serves as an Advisory Trustee at the Rand Corporation, and is a Fellow in the American College of Gastroenterology, and

WHEREAS, in addition to receiving numerous awards, Dr. Greer has been honored with three Papal medals, received the prestigious MacArthur "Genius" Fellowship, and was dubbed a Knight of Malta, and

WHEREAS, Dr. Greer was honored in August 2009 by President Barack Obama as an "Agent of Change" and was awarded the Presidential Medal of Freedom, and

WHEREAS, Dr. Greer is the author of "Waking Up in America: How One Doctor Brings Hope to Those Who Need It Most" and numerous articles and has been featured on programs broadcast on major television networks, including ABC, CBS, NBC, Fox, HBO, PBS, and the BBC, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes Pedro J. Greer, Jr., M.D., as a man fueled by his passion for health care and social justice who has aided the poor and the sick of the City of Miami and has helped to create positive changes in that community.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Dr. Pedro J. Greer, Jr., as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Ray—

HR 9127—A resolution recognizing the Boy Scouts of America on the occasion of its 100th anniversary.

WHEREAS, Chicago publisher William D. Boyce incorporated the Boy Scouts of America on February 8, 1910, after being inspired by an English Boy Scout who guided him through a dense London fog and refused a tip, explaining that he was doing his Good Turn as a Scout, and

WHEREAS, the Boy Scouts of America was established to teach the boys of the United States patriotism, courage, self-reliance, and kindred values, and

WHEREAS, under the leadership of its founders, including Daniel Carter Beard, the first National Scout Commissioner; Ernest Thompson Seton, the first Chief Scout; and Dr. James E. West, the first Chief Scout Executive, the national Scouting movement rapidly expanded throughout the United States, and

WHEREAS, more than 100 million boys have strived to uphold the Scout Oath: "On my honor I will do my best to do my duty to God and my country and to obey the Scout Law; to help other people at all times; to keep myself physically strong, mentally awake, and morally straight," and

WHEREAS, the Scout Law defines that a Scout is "trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent," and

WHEREAS, on August 12, 1912, the first Eagle Scout rank was presented to Arthur Eldred, and more than 2 million Scouts have since earned the Eagle Scout rank, and

WHEREAS, more than 1 million volunteer adult leaders selflessly serve young people in their communities each year through the Boy Scouts of America, and

WHEREAS, the vision of the Boy Scouts of America remains to prepare every eligible boy in the United States to become a responsible, participating citizen and leader who is guided by the Scout Oath and Law, and

WHEREAS, this year, Florida's 10 local councils of the Boy Scouts of America, together with the 108,000 Scouts and adult leaders in the state, are celebrating Scouting's 100th anniversary with the theme Celebrating the Adventure, Continuing the Journey, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Boy Scouts of America is congratulated on the occasion of its 100th anniversary and commended for its many years of service to the youth of this state.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Alabama-Florida Council, Central Florida Council, Gulf Coast Council, Gulf Ridge Council, Gulf Stream Council, North Florida Council, South Florida Council, Southwest Florida Council, Suwannee River Area Council,

and West Central Florida Council of the Boy Scouts of America as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Reagan—

HR 9129—A resolution recognizing June 2010 as "Recreational Vehicle and Camping Month" in Florida.

WHEREAS, the recreational vehicle industry is celebrating 100 years of bringing enjoyment to Americans, and

WHEREAS, 1 in 12 American households owns a recreational vehicle, allowing families to build stronger relationships and explore the outdoors, and

WHEREAS, the use of recreational vehicles offers freedom, comfort, and flexibility to explore many areas of the United States, including historic landmarks and national and state parks, and

WHEREAS, Florida ranks third in wholesale recreational vehicle shipments and for 25 years has been the home to the Florida RV SuperShow, the largest recreational vehicle show in the country, and

WHEREAS, Florida consistently ranks as the nation's best and most popular recreational vehicle and camping destination, and

WHEREAS, more than 5 million people camp in Florida every year, and

WHEREAS, 20 percent of all Florida travelers and campers, visiting by automobile, arrive in a recreational vehicle, and

WHEREAS, the 100th Anniversary of the introduction of the recreational vehicle into the American marketplace will be celebrated June 7, 2010, at the RV/MH Hall of Fame in Elkhart, Indiana, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That June 2010 is recognized as "Recreational Vehicle and Camping Month" in Florida.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Glorioso—

HR 9131—A resolution recognizing Florida's vineyards and wineries for their valuable contributions to Florida's rich history, culture, and economy.

WHEREAS, over 100 years before the Pilgrims landed at Plymouth Rock, and 300 years before California became a state, 16th century Spanish explorers settled in Florida, which they aptly named in recognition of the state's beautiful fruits and flowers, and brought with them the traditions of Old World winemaking, and

WHEREAS, Spanish settlers harvested the wild Florida grapes and, applying the traditions of their homeland, converted Florida's wild muscadine into the first American wine, and

WHEREAS, evoking memories of sleepy summer afternoons in the deep south, smooth, aromatic, and nostalgic muscadine wines are the byproduct of Old World traditions and new world production methods and are a southern specialty produced nowhere else on earth, and

WHEREAS, for over 75 years, scholars at the University of Florida have been committed to improving Florida grapes, developing varieties that are well-suited to winemaking and Florida soils and that flourish in Florida's subtropical climate, and

WHEREAS, Florida's wineries and vineyards are scattered throughout the state, from Destin, through the Panhandle, and south as far as Plant City and Fort Myers, with harvest times ranging from May to September, and

WHEREAS, Florida's vineyards, wineries, and flavorful wines are interesting parts of Florida's history that more and more people are discovering and appreciating, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives recognizes Florida's vineyards and wineries for their valuable contributions to Florida's rich history, culture, and economy.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Y. Roberson—

HR 9133—A resolution observing May 25, 2010, as "National Missing Children's Day" in Florida.

WHEREAS, according to the United States Department of Justice, approximately 800,000, children are reported missing each year, and

WHEREAS, it is estimated that 2,200 children are reported missing to law enforcement agencies each day, and

WHEREAS, in a given year, 58,200 of the children reported missing are the victims of non-family abductions while more than 200,000 children are the victims of family abductions, and

WHEREAS, the National Center for Missing & Exploited Children is a resource to help prevent child abduction and sexual exploitation, locate missing children, and assist victims of abductions and sexual exploitation, their families, and the professionals who work with them, and

WHEREAS, the National Center for Missing & Exploited Children has witnessed its recovery rate for children missing domestically increase from 62 percent in 1990 to 96 percent today, and

WHEREAS, it is important to set aside a special day to remember those children who are missing and give hope to their families that their children will one day be found, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That, May 25, 2010, is recognized as "National Missing Children's Day" and all citizens and organizations are encouraged to participate in learning about methods to prevent child abduction and sexual exploitation and to help the children of this state guard against being victims of abduction and exploitation.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. A. Williams—

HR 9135—A resolution recognizing Emmitt James Smith III for his selection as a member of the Pro Football Hall of Fame.

WHEREAS, Emmitt James Smith III was born on May 15, 1969, in Pensacola, where he attended Escambia High School and, in 1986, was named the USA Today and Parade Magazine high school player of the year, and

WHEREAS, Emmitt James Smith III attended the University of Florida, where he was named the 1989 SEC Player of the Year and was later inducted into the Gator Football Ring of Honor and the College Football Hall of Fame, and

WHEREAS, Emmitt James Smith III was selected by the Dallas Cowboys as the number 17 overall pick in the 1990 National Football League Draft, and

WHEREAS, over the course of his illustrious 15-year career, Emmitt James Smith III amassed 18,355 rushing yards, making him the National Football League's all-time rushing leader, a record formerly held by his childhood hero, Walter Payton, and

WHEREAS, among his many accomplishments in the National Football League, Emmitt James Smith III led the league in rushing yards in 1991, 1992, 1993, and 1995; had 11 straight 1,000-yard seasons; and was a major contributor to the Dallas Cowboys Super Bowl XXVII, XXVIII, and XXX championship teams, and

WHEREAS, for his many outstanding contributions to the Dallas Cowboys' football organization, Emmitt James Smith III was enshrined in the Dallas Cowboys' Ring of Honor in 2005, and

WHEREAS, in his first year of eligibility, Emmitt James Smith III was selected as a member of the Pro Football Hall of Fame's Class of 2010 and will be inducted on August 7, 2010, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That Emmitt James Smith III is recognized and congratulated on his selection as a member of the Pro Football Hall of Fame.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Emmitt James Smith III as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Patronis—

HR 9027—A resolution honoring Bobby Bowden for his outstanding career as the Florida State University Head Football Coach.

WHEREAS, in 1976, after successfully coaching at his alma mater, Samford University, and at the University of West Virginia, Bobby Bowden took over the Florida State University football program and during the 34 intervening seasons developed it into one of the most consistently successful programs in the history of major college football, and

WHEREAS, during his 34 years at Florida State, Bobby Bowden led the Seminoles to 18 10-win seasons, to 31 bowl games, including 28 consecutive bowl games, to 6 Bowl Championship Series bowl games in the 12-year existence of this national championship competition, and to consensus National Championships in 1993 and 1999, and

WHEREAS, during Florida State's 18-year membership in the Atlantic Coast Conference, Bobby Bowden led his team to 12 championships and was twice named the conference Coach of the Year, and

WHEREAS, on December 5, 2006, Bobby Bowden was inducted into the College Football Hall of Fame and received the organization's highest distinction as a Gold Medal Recipient, joining former recipients President Dwight D. Eisenhower, President John F. Kennedy, General H. Norman Schwarzkopf, and Jackie Robinson, and

WHEREAS, Coach Bowden helped 164 student athletes go on to careers in the National Football League and profoundly influenced many professional and collegiate coaches and players with his wisdom, loyalty, and warmth, and

WHEREAS, although admired for his success in making the Florida State football program one of the premier programs in the country, Coach Bowden does not consider success on the field to be his defining accomplishment, preferring instead to emphasize and focus on the more important aspects of his life — his Christian faith, his family and friends, and the success of the young men who comprised his teams over the years, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives proudly commends Bobby Bowden on an outstanding career as the Florida State University Head Football Coach and extends to him its gratitude and congratulations not only for his many accomplishments as head football coach but also for his innumerable contributions to and on behalf of the university, the City of Tallahassee and surrounding communities, and the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Bobby Bowden as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Bogdanoff—

HR 9041—A resolution declaring September 26, 2010, as "Mesothelioma Awareness Day" in Florida.

WHEREAS, mesothelioma is a rare aggressive cancer often attributed to exposure to asbestos that affects the linings of the lungs, abdomen, esophagus, heart, and stomach, and

WHEREAS, between 2,000 and 3,000 Americans die each year from mesothelioma and up to 3,000 new cases of the disease are diagnosed each year in the United States, and

WHEREAS, there is no known cure for mesothelioma, and

WHEREAS, the Mesothelioma Applied Research Foundation, a national nonprofit collaboration of patients and families, physicians, advocates, and researchers was established to eradicate mesothelioma through the promotion of research, support of patients and caregivers, dissemination of the latest clinical information, and the sponsorship of an annual symposium to bring the world's leading mesothelioma experts together to discuss advances in treatment, and

WHEREAS, the establishment of Mesothelioma Awareness Day will raise public awareness of the disease and of the need to develop effective treatments for it, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That September 26, 2010, is declared "Mesothelioma Awareness Day" in Florida.

—was read and adopted by publication pursuant to Rule 10.16.

Excused

Rep. Adkins; Rep. Bernard from 1:30 p.m. until 3:30 p.m.; Rep. Culp; Rep. Fresen after 11:30 a.m.; Rep. Kreegel; Rep. Kriseman after 12:30 p.m.; Rep. Renuart; Rep. Snyder after 11:10 a.m.

The following Conference Committee Managers were excused in order to conduct business with their Senate counterparts:

HB 5001, and related legislation (HB 5003, CS/HB 5101, HB 5201, HB 5301, HB 5303, HB 5305, HB 5307, HB 5309, HB 5311, CS/HB 5401, HB 5403, HB 5501, CS/HB 5503, HB 5505, HB 5601, HB 5603, HB 5605, HB 5607, CS/HB 5611, HB 5701, HB 5703, HB 5705, HB 5707, HB 5709, HCR 5711, HB 5713, CS/HB 5801, CS for CS for SB 1238, CS for SB 1396, CS for SB 1436, CS for SB 1442, CS for CS for SB 1484, CS for SB 1508, CS for SB 1510, CS for SB 1514, CS for CS for SB 1516, CS for SB 1592, CS for SB 1646, CS for SB 2020, CS for SB 2024, CS for SB 2374, and CS for SB 2386), to serve with Rep. Rivera, Chair: PreK-12 Appropriations Committee—Rep. Flores, Chair, and Reps. Bullard, Clarke-Reed, Coley, Fresen, Kiar, Legg, and Stargel; State Universities & Private Colleges Appropriations—Rep. Proctor, Chair, and Reps. Bernard, Brisé, Burgin, Dorworth, Jones, McKeel, O'Toole, and Reed; Transportation & Economic Development Appropriations—Rep. Glorioso, Chair, and Reps. Carroll, Fitzgerald, Gibson, Jenne, Horner, Hukill, Murzin, Patronis, Rogers, and Schenck; Criminal & Civil Justice Appropriations—Rep. Adams, Chair, and Reps. Eisnaugle, Holder, Kreegel, McBurney, Porth, Rouson, Soto, and Tobia; Government Operations Appropriations—Rep. Hays, Chair, and Reps. Abruzzo, Braynon, Gonzalez, Nelson, Ray, A. Williams, and Workman; Health Care Appropriations—Rep. Grimsley, Chair, and Reps. Chestnut, Ford, Frishe, Hudson, Y. Roberson, Skidmore, and N. Thompson; Natural Resources Appropriations—Rep. Poppell, Chair, and Reps. Bembry, Boyd, Brandenburg, Crisafulli, Plakon, Precourt, and T. Williams; Full Committee—At Large: Reps. Aubuchon, Bogdanoff, Galvano, Gibbons, Hasner, Lopez-Cantera, Reagan, Sands, G. Thompson, Thurston, and Weatherford.

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 3:59 p.m., to reconvene at 10:00 a.m., Monday, April 26, 2010, or upon call of the Chair.

CHAMBER ACTIONS ON BILLS

Friday, April 23, 2010

CS/HB	33	— Read 2nd time
CS/CS/HB	163	— Read 2nd time; Amendment 201853 adopted
CS/HM	191	— Read 2nd time; CS adopted
CS/CS/HB	219	— Read 2nd time; Amendment 553095 adopted; Amendment 182263 adopted
CS/CS/HB	225	— Temporarily postponed, on 2nd Reading
HB	281	— Read 2nd time
CS/CS/CS/HB	303	— Read 2nd time
CS/CS/CS/HB	311	— Read 3rd time; CS passed as amended; YEAS 110, NAYS 0
CS/CS/HB	325	— Read 3rd time; Amendment 387985 adopted; CS passed as amended; YEAS 77, NAYS 33
CS/HB	393	— Read 3rd time; CS passed; YEAS 106, NAYS 0
CS/CS/HB	435	— Read 2nd time
CS/CS/HB	447	— Temporarily postponed, on 3rd Reading
CS/CS/HB	513	— Read 2nd time
CS/HB	527	— Temporarily postponed, on 2nd Reading
CS/CS/HB	557	— Read 2nd time
HB	579	— Read 2nd time
HB	609	— Temporarily postponed, on 2nd Reading
CS/CS/CS/HB	617	— Read 2nd time; Amendment 412727 adopted
CS/CS/CS/HB	621	— Read 3rd time; CS passed as amended; YEAS 106, NAYS 0
CS/CS/HB	623	— Read 2nd time
CS/CS/CS/HB	631	— Temporarily postponed, on 3rd Reading
CS/HB	637	— Read 3rd time; CS passed; YEAS 107, NAYS 4
CS/CS/CS/CS/HB	663	— Read 2nd time; Amendment 758697 adopted; Amendment 557129 adopted; Amendment 479759 adopted; Amendment 609651 adopted; Amendment 518253 adopted; Amendment 948091 adopted; Amendment 378751 adopted
CS/CS/CS/HB	665	— Read 3rd time; CS passed as amended; YEAS 107, NAYS 0
CS/HB	691	— Temporarily postponed, on 2nd Reading
CS/CS/HB	709	— Temporarily postponed, on 2nd Reading
CS/HB	729	— Read 2nd time
CS/HB	731	— Read 3rd time; CS passed as amended; YEAS 110, NAYS 0
CS/HB	751	— Read 2nd time
HB	759	— Read 3rd time; Passed; YEAS 110, NAYS 0
CS/HB	795	— Read 2nd time
HB	813	— Temporarily postponed, on 2nd Reading
CS/CS/HB	827	— Read 2nd time; Amendment 957161 adopted; Amendment 824359 adopted
CS/HB	841	— Temporarily postponed, on 2nd Reading
CS/HB	843	— Read 2nd time
CS/HB	907	— Read 2nd time; Amendment 808377 adopted; Amendment 477415 adopted; Amendment 097829 adopted
CS/CS/HB	927	— Read 2nd time; Amendment 435749 adopted
CS/CS/HB	971	— Read 2nd time; Amendment 881133 adopted; Amendment 169265 adopted; Amendment 714371 adopted
CS/CS/CS/HB	981	— Read 2nd time; Amendment 136537 adopted; Amendment 948031 adopted
CS/HB	1001	— Temporarily postponed, on 2nd Reading
CS/CS/HB	1033	— Read 2nd time
CS for SB	1034	— Read 2nd time; Amendment 884785 adopted
HB	1049	— Read 3rd time; Passed; YEAS 111, NAYS 1
HB	1051	— Read 3rd time; Passed; YEAS 110, NAYS 1
CS/HB	1059	— Read 3rd time; CS passed; YEAS 109, NAYS 0
CS/CS/HB	1061	— Temporarily postponed, on 2nd Reading
HB	1065	— Temporarily postponed, on 2nd Reading
CS/CS/HB	1073	— Read 2nd time; Amendment 955299 adopted
CS/HB	1109	— Read 2nd time
CS/HB	1113	— Substituted CS/SB 2054; Laid on Table, refer to CS/SB 2054
HB	1121	— Read 3rd time; Passed; YEAS 110, NAYS 1
CS/HB	1129	— Read 3rd time; CS passed; YEAS 109, NAYS 0
CS/CS/CS/HB	1143	— Read 2nd time; Amendment 861857 adopted

CS/HB 1157 — Read 2nd time; Amendment 221457 adopted; Amendment 705859 adopted; Amendment 499963 adopted

HB 1193 — Read 2nd time

CS/HB 1209 — Read 3rd time; CS passed; YEAS 113, NAYS 0

CS/CS/HB 1241 — Read 2nd time

CS/HB 1247 — Read 3rd time; CS passed; YEAS 114, NAYS 0

CS/CS/CS/HB 1271 — Read 2nd time; Amendment 175693 adopted; Amendment 406521 adopted; Amendment 084445 adopted; Amendment 558279 adopted; Amendment 919687 adopted; Amendment 696797 adopted

CS/CS/HB 1277 — Read 2nd time

HB 1279 — Read 2nd time; Read 3rd time; Passed; YEAS 111, NAYS 0

HB 1295 — Read 3rd time; Passed; YEAS 113, NAYS 0

CS/HB 1297 — Read 2nd time

CS/HB 1363 — Read 3rd time; CS passed; YEAS 110, NAYS 0

CS/CS/HB 1385 — Read 2nd time

HB 1401 — Read 2nd time

CS/HB 1425 — Read 3rd time; CS passed as amended; YEAS 113, NAYS 0

CS/CS/CS/HB 1445 — Read 2nd time; Amendment 638929 adopted; Amendment 576965 adopted; Amendment 674881 adopted; Amendment 830839 adopted; Amendment 978117 adopted; Amendment 017181 adopted; Amendment 686839 adopted; Amendment 754543 adopted

CS/HB 1473 — Read 3rd time; CS passed; YEAS 111, NAYS 1

HB 1519 — Read 3rd time; Passed; YEAS 115, NAYS 0

CS/CS/HB 1565 — Read 2nd time; Amendment 709869 adopted; Amendment 467611 adopted; Amendment 456085 adopted; Amendment 598897 adopted

CS/CS/CS/HB 1569 — Read 2nd time; Amendment 968547 adopted

CS/HB 1619 — Temporarily postponed, on 2nd Reading

HB 1625 — Read 3rd time; Passed; YEAS 113, NAYS 1

CS for SB 2054 — Substituted for CS/HB 1113; Read 2nd time; Read 3rd time; CS passed; YEAS 114, NAYS 0

SB 2284 — Substituted for HB 7227; Read 2nd time

CS/HB 7083 — Temporarily postponed, on 2nd Reading

CS/HB 7103 — Read 2nd time; Amendment 958785 adopted; Amendment 682829 adopted

HB 7125 — Read 2nd time

CS/HB 7157 — Read 2nd time; Amendment 687025 adopted

CS/HB 7161 — Read 2nd time; Amendment 637239 adopted

CS/HB 7177 — Read 2nd time; Amendment 124567 adopted; Amendment 522719 adopted; Amendment 712981 adopted; Amendment 127919 adopted

CS/HB 7179 — Read 2nd time; Amendment 592311 adopted

CS/HB 7181 — Temporarily postponed, on 2nd Reading

CS/HB 7203 — Read 2nd time

CS/HB 7215 — Read 2nd time; Amendment 631037 adopted; Amendment 694019 adopted; Amendment 962615 adopted; Amendment 220419 adopted

HB 7227 — Substituted SB 2284; Laid on Table, refer to SB 2284

CS/HB 7229 — Read 2nd time; Amendment 515779 adopted; Amendment 182787 Failed; Amendment 515851 adopted

HJR 7231 — Read 2nd time; Amendment 093801 adopted

HB 7233 — Read 2nd time

HB 7235 — Read 2nd time

HB 7237 — Read 3rd time; Passed as amended; YEAS 109, NAYS 0

HB 7239 — Temporarily postponed, on 2nd Reading

HB 7241 — Temporarily postponed, on 2nd Reading

HB 7243 — Read 2nd time; Amendment 960033 adopted; Amendment 120467 adopted

HR 9007 — Read 2nd time; Adopted

HR 9035 — Read 2nd time; Adopted

HR 9095 — Read 2nd time; Adopted

JOURNAL OF THE HOUSE OF REPRESENTATIVES

DAILY INDICES FOR

April 23, 2010

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